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COMMITTEE MEETING  
STATE OF CALIFORNIA  
INTEGRATED WASTE MANAGEMENT BOARD  
SUSTAINABILITY AND MARKET DEVELOPMENT COMMITTEE

JOE SERNA, JR., CALEPA BUILDING  
1001 I STREET  
2ND FLOOR  
COASTAL HEARING ROOM  
SACRAMENTO, CALIFORNIA

TUESDAY, DECEMBER 9, 2003  
9:30 A.M.

TIFFANY C. KRAFT, CSR, RPR  
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PETERS SHORTHAND REPORTING CORPORATION (916) 362-2345

APPEARANCES

COMMITTEE MEMBERS

Steven R. Jones

Cheryl Peace

Carl Washington

STAFF

Mark Leary, Executive Director

Julie Nauman, Chief Deputy Director

Michael Bledsoe, Acting Chief Counsel

Elliot Block, Staff Counsel

Geannine Bakulich, Committee Secretary

Tara Gauthier

Marie Kakutani

Jerry Hart, Buy Recycled Section

Jan Howard

Jim La Tanner, Supervisor, Recycling Market Development  
Loan Programs

Cara Morgan, Branch Manager, Office of Local Assistance

Piper Miguelgorry

Nikii Mizwinski

Pat Schiavo, Deputy Director

Kristen McDonald

Yasmine Satter

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APPEARANCES CONTINUED

STAFF

Chris Schmidle

Monique Sikich

Steve Uselton, Local Assistance Supervisor

Patty Wohl, Deputy Director

ALSO PRESENT

Carmen Asevado, Mayor Pro Tem, City of Arvin

Louis Ippolito, Waste Management Consultant

Enrique Medina Ochoa, City Manager, City of Arvin

Juan Olivares, Mayor, City of Arvin

Ray Scott, Mountainside Disposal

David St. John, Arvin City Attorney

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1 PROCEEDINGS

2 CHAIRPERSON JONES: Good morning and welcome to  
3 the Tuesday, December 9th, meeting of the Sustainability  
4 and Market Development and Planning Committee.

5 For those of you that are new to this process,  
6 we've got speaker slips in the back of the room. If you  
7 want to speak on an item, go ahead and fill it out. Bring  
8 it over to Ms. Bakulich, and she'll get it up to us so you  
9 can speak on your item.

10 Anybody that has cell phones, if you could put  
11 them on vibrate or turn them off during the meeting so we  
12 don't get interrupted, we would appreciate that. And I'm  
13 waiting to see if Deb is back at the spot. Okay. You can  
14 call the roll.

15 Geannine, could you call the roll?

16 SECRETARY BAKULICH: Peace?

17 COMMITTEE MEMBER PEACE: Here.

18 SECRETARY BAKULICH: Washington?

19 COMMITTEE MEMBER WASHINGTON: Here.

20 SECRETARY BAKULICH: Jones?

21 CHAIRPERSON JONES: Here.

22 Members, do we have any ex partes?

23 Ms. Peace?

24 COMMITTEE MEMBER PEACE: No. I'm up to date.

25 CHAIRPERSON JONES: Mr. Washington?

1 COMMITTEE MEMBER WASHINGTON: I'm up to date.

2 CHAIRPERSON JONES: And I'm up to date.

3 All right. We will start off with the -- by the  
4 way, this meeting is normally held in the afternoon. But  
5 because of some cancellations, we figured we would get it  
6 done early.

7 Before I get to the Deputy Director's report,  
8 Mr. Leary.

9 EXECUTIVE DIRECTOR LEARY: Thank you,  
10 Mr. Chairman and members of the Committee.

11 As the new administration transitions in, in a  
12 small organization like ours, we wonder about whether we  
13 have the support of the new administration, particularly  
14 the Governor. I just thought I'd start today's meeting  
15 with positive evidence that we do have strong support from  
16 our new Governor.

17 This is actually -- "I recycle more with my pinky  
18 than you do with both hands. Recycle now. Thank me  
19 later. Recycle hard." This is actually a true PSA,  
20 public service announcement, that the Governor did in his  
21 former career, early in his career in one of the early  
22 muscle movies that he did. But the Secretary shared it  
23 with us this morning, and I thought I'd bring it down and  
24 start this meeting right. Anyway, thanks.

25 CHAIRPERSON JONES: Perfect. Where are you going



1 to hang it?

2 EXECUTIVE DIRECTOR LEARY: Actually, I've got to  
3 return this to the Secretary. Apparently, there's only  
4 like three or four of these going around, and they're all  
5 being claimed at the highest levels in state government  
6 so --

7 CHAIRPERSON JONES: All right. Perfect.

8 Ms. Wohl.

9 DEPUTY DIRECTOR WOHL: Good morning, Chairman  
10 Jones, Board members. I'd like to start off just by  
11 mentioning a few brief things, first being that we do have  
12 our buy-recycled quarterly meeting meeting as we speak in  
13 the room next door. Also, staff will be attending a  
14 meeting with Sunset Magazine and a potential design firm  
15 this week to start discussions on the 2005 Sunset idea  
16 house. So that's good news.

17 With that, I'd like to just get into the Board  
18 items. Okay. Gym La Tanner will present the next two  
19 items, starting with Agenda Item 10, consideration of  
20 reappointment of three loan Committee members for the  
21 Recycling Market Development Revolving Loan Program Loan  
22 Committee.

23 RECYCLING MARKET DEVELOPMENT LOAN PROGRAM

24 SUPERVISOR LA TANNER: This is Committee Item B. With the  
25 RMDZ loan program, we have nine outside positions on a

1 volunteer Loan Committee that review each application's  
2 ability to repay and collateralize the loan on the  
3 structure. We have three members whose term expires this  
4 month that have all agreed to renew for an additional  
5 three years: Frank Aguilera, Kurt Carpenter, and Michael  
6 Owen. This agenda item requests the Committee approve  
7 renewal of those three Committee members. Staff  
8 recommends the Committee approve Option 1 and adopt  
9 Resolution 2003-518 to reappoint these three.

10 CHAIRPERSON JONES: Members, any questions?

11 COMMITTEE MEMBER WASHINGTON: Yeah.

12 CHAIRPERSON JONES: Mr. Washington.

13 COMMITTEE MEMBER WASHINGTON: In terms of -- give  
14 me just a brief -- if you can or if you have the  
15 information -- on the three Committee members on what they  
16 do in their occupations, just real briefly. I'm new and I  
17 apologize, but I just want to kind of know a little bit  
18 about --

19 RECYCLING MARKET DEVELOPMENT LOAN PROGRAM

20 SUPERVISOR LA TANNER: Of the nine positions, we divided  
21 roughly in half. Four roughly are from banks, currently  
22 work at banks as commercial loan officers, and roughly  
23 five -- it varies a little bit every time somebody renews  
24 -- work in the public sector and have some experience with  
25 commercial lending. Frank Aguilera is the economic

1 development manager at San Joaquin County EDC in Stockton.  
2 He represents the public sector in the central part of the  
3 state. Michael Owen is an executive vice president and a  
4 certified development corporation small business financial  
5 corporation in Riverside representing the private sector.  
6 And Kurt Carpenter is a Vice President at River City Bank  
7 representing the private sector here in California.

8 COMMITTEE MEMBER WASHINGTON: How many -- what's  
9 the make up in terms of northern/southern?

10 RECYCLING MARKET DEVELOPMENT LOAN PROGRAM

11 SUPERVISOR LA TANNER: Well, we split the state into three  
12 sections; northern, central, and south. And they're  
13 pretty well equated right now. We keep them  
14 geographically disbursed that way to try to get a  
15 variance.

16 CHAIRPERSON JONES: And Frank Aguilera used to  
17 work at the Waste Board as a RMDZ -- as a loan  
18 administrator and a loan officer at this bank and was  
19 really -- pushed a lot of stuff through and did a good job  
20 for this Board I think.

21 COMMITTEE MEMBER WASHINGTON: Always good to know  
22 a loan person.

23 CHAIRPERSON JONES: Right. Absolutely.

24 COMMITTEE MEMBER WASHINGTON: Mr. Chair.

25 CHAIRPERSON JONES: Yes, sir, Mr. Washington --

1 unless Ms. Peace has any questions?

2 COMMITTEE MEMBER PEACE: No.

3 COMMITTEE MEMBER WASHINGTON: I'd like to move

4 adoption of Resolution 2003-518, consideration of

5 reappointment of three loan Committee members for the

6 Recycling Market Development Revolving Loan Program Loan

7 Committee.

8 COMMITTEE MEMBER PEACE: Second.

9 CHAIRPERSON JONES: We've got a motion by Mr.

10 Washington, a second by Ms. Peace.

11 Geannine, would you call the roll.

12 SECRETARY BAKULICH: Peace?

13 COMMITTEE MEMBER PEACE: Aye.

14 SECRETARY BAKULICH: Washington?

15 COMMITTEE MEMBER WASHINGTON: Aye.

16 SECRETARY BAKULICH: Jones?

17 CHAIRPERSON JONES: Aye. On consent, Members.

18 All right. Next item.

19 RECYCLING MARKET DEVELOPMENT LOAN PROGRAM

20 SUPERVISOR LA TANNER: Committee Item C, Board Agenda Item

21 11, consideration of the Recycling Market Development

22 Revolving Loan Program applications for Crown Poly, Inc.

23 Crown Poly is requesting a loan in the amount of 340,000.

24 Their first loan was granted in July '97. They made all

25 payments as agreed and, in fact, paid it off five years

1 early because they had the business cash flow to do so.

2 CHAIRPERSON JONES: This loan actually came in  
3 front of this Committee, was approved, and you didn't have  
4 a quorum of the Loan Committee; correct?

5 RECYCLING MARKET DEVELOPMENT LOAN PROGRAM

6 SUPERVISOR LA TANNER: Right.

7 CHAIRPERSON JONES: Have there been any changes  
8 since that time?

9 RECYCLING MARKET DEVELOPMENT LOAN PROGRAM

10 SUPERVISOR LA TANNER: No. Loan Committee did meet last  
11 Thursday and they approved it as presented without any  
12 questions.

13 CHAIRPERSON JONES: Members, any questions?

14 COMMITTEE MEMBER WASHINGTON: Mr. Chair.

15 CHAIRPERSON JONES: Mr. Washington.

16 COMMITTEE MEMBER WASHINGTON: I'd like to move  
17 adoption of Resolution 2003-519, consideration of  
18 Recycling Market Development Revolving Loan Program  
19 application for Crown Poly, Inc.

20 COMMITTEE MEMBER PEACE: Second.

21 CHAIRPERSON JONES: We have a motion by Mr.  
22 Washington, a second by Ms. Peace.

23 Members, substitute the previous roll. On fiscal  
24 consensus. All right.

25 Next item.

1           DEPUTY DIRECTOR WOHL: Agenda Item 12, Committee  
2 Item D, consideration of additional award recipients for  
3 the 2003 Waste Reduction Awards Program, and Piper  
4 Miguelgorry will present.

5           MS. MIGUELGORRY: Good morning, Mr. Chair and  
6 Board members.

7           This item before you is to seek approval for two  
8 additional 2003 WRAP award participants, Intel Corporation  
9 in Folsom and HELIX Environmental Planning in La Mesa. At  
10 the September Board meeting, you previously approved 2,137  
11 qualifying applicants who met the WRAP program criteria.  
12 In late September following the Board meeting, the program  
13 received notice of a post office error preventing the  
14 submission of these two businesses. Their applications  
15 had been returned to them unclaimed, therefore, we could  
16 not process them with the other applicants.

17           These applicants did submit before the deadline,  
18 which is June 30th, according to the program criteria, and  
19 we believe that they need not be penalized for  
20 circumstances beyond their control. Since the WRAP  
21 program is a recognition program, we want to continue  
22 encouraging businesses to perform their waste reduction  
23 activity.

24           Both businesses were previously WRAP-winning  
25 businesses. Intel Folsom had four consecutive

1 WRAP-winning awards, and HELIX Environmental won in 2002.  
2 Combined, the two businesses have diverted over 1,025 tons  
3 of material. And their cost savings to their bottom line  
4 was over \$216,000. The program would like to designate  
5 Intel Corporation Folsom and HELIX Environmental Planning  
6 in La Mesa prior to the close of 2003. Therefore, we're  
7 bringing this item to you now.

8 And staff would recommend approval of Option 1  
9 and the adoption of Resolution 2003-520. I can respond to  
10 any inquires you may have. Thank you.

11 CHAIRPERSON JONES: Questions?

12 Ms. Peace.

13 COMMITTEE MEMBER PEACE: I'd like to move  
14 Resolution 2003-520 consideration of additional award  
15 recipients for the 2003 Waste Reduction Awards Program,  
16 WRAP.

17 COMMITTEE MEMBER WASHINGTON: Second.

18 CHAIRPERSON JONES: We've got a motion by Ms.  
19 Peace, a second by Mr. Washington. Members, substitute  
20 the previous roll. On consent. Thank you, Members.

21 Next item.

22 MS. MIGUELGORRY: Thank you.

23 DEPUTY DIRECTOR WOHL: Agenda Item 13, Committee  
24 Item E, consideration of scope of work and interagency  
25 agreement for multiple recycled product trade shows. And

1 Monique Sikich will present.

2 MS. SIKICH: Good morning, Committee Chair Jones  
3 and Committee members.

4 This item is for consideration of the scope of  
5 work and interagency agreement for multiple recycled  
6 product trade shows. We are currently in the last year of  
7 our three-year contract, which has been very successful.  
8 We have updated that scope of work to enhance the benefits  
9 that we expect to receive in this new agreement. The  
10 scope of work was used to find an experienced contractor  
11 to manage all aspects of the recycled product trade shows  
12 for another three-year agreement. This will cover the  
13 next three recycled product trade shows which will rotate  
14 between Northern and Southern California.

15 As directed by Government Code Section 19130, the  
16 scope of work was first sent to four state agencies that  
17 we thought might be able to perform the task at hand.  
18 California State University Sacramento has been very  
19 responsive, and we are considering an interagency  
20 agreement with them. Entering into an interagency  
21 agreement would make it unnecessary to go through the  
22 competitive bidding process.

23 The total amount of Board funding for the  
24 three-year agreement is \$550,000. The interagency  
25 agreement with California State University Sacramento has



1 been negotiated for \$345,000, leaving \$205,000 for  
2 expenses such as facility fees, promotion and outreach  
3 activities, and publications.

4 Staff has spent a lot of time and effort on  
5 growing relationships and sponsors for the show. We feel  
6 the Board members are an important part of building those  
7 relationships. We have a meeting set with Mark Leary and  
8 would also like to meet with each of you to discuss other  
9 opportunities for growing the show.

10 Staff recommends the Board approve Options 1 and  
11 A and adopt Resolution Numbers 2003-574 and 2003-575. Do  
12 you have any questions?

13 COMMITTEE MEMBER WASHINGTON: Yeah, I do.

14 CHAIRPERSON JONES: Mr. Washington.

15 COMMITTEE MEMBER WASHINGTON: Patty, in terms of  
16 the trade show, who did it last year?

17 DEPUTY DIRECTOR WOHL: ARC. I think it's  
18 American Resource --

19 MS. SIKICH: Association Resource Center.

20 COMMITTEE MEMBER WASHINGTON: Who did it the year  
21 before that?

22 MS. SIKICH: ARC. They've been our contractor  
23 for the last five years.

24 COMMITTEE MEMBER WASHINGTON: They've been the  
25 contractor for the last five years?

1           DEPUTY DIRECTOR WOHL: And they bid for that and  
2 won it competitively.

3           COMMITTEE MEMBER WASHINGTON: This one we're  
4 doing without competitive bidding. Just do an interagency  
5 agreement.

6           MS. SIKICH: We've been directed to follow  
7 Government Code Section 19130, which directs us to solicit  
8 other state agencies first.

9           COMMITTEE MEMBER WASHINGTON: And I only raise it  
10 because it's interesting you have someone who has  
11 experience now and pretty much knows how to put this thing  
12 together and we're going to a university who probably has  
13 no experience or perhaps don't know the dynamics of  
14 putting the trade show together and something is screwed  
15 up as things happen like that. It's just very interesting  
16 that we stop using these particular people. Now that we  
17 figure they got it down pat and know how to put it  
18 together, and we go to another entity where it's like a  
19 new learning process. It just concerns me it might not  
20 turn out as well as the guy who is doing it now and has  
21 the experience.

22           CHAIRPERSON JONES: Concerns me too.

23           DEPUTY DIRECTOR WOHL: There's also the issue  
24 that I think there's a recent MOU in regards to the labor  
25 union's talking about having all contracts going through a

1 separate task force. And so I'm not sure if this is  
2 affected by that. I'm guessing not because it's an  
3 interagency agreement, but we're still looking at that  
4 too. So I think the idea is to try and keep the work  
5 within state government first before we contract out.

6 CHAIRPERSON JONES: Ms. Peace, did you have any  
7 questions on this?

8 COMMITTEE MEMBER PEACE: How can we be sure that  
9 Sacramento State can perform the duties that we need for  
10 this trade show?

11 MS. SIKICH: This will be the largest show that  
12 they have managed. They do have experience in smaller  
13 venues. They have some environmental background. They've  
14 recently -- I know have entered into interagency  
15 agreements with other areas of the Board, other programs  
16 of the Board. From what they've shown us so far and in  
17 the budget breakdown of all the tasks, they seem to have  
18 the knowledge.

19 COMMITTEE MEMBER PEACE: This is for three years.  
20 Let's say we're not happy with their performance the first  
21 year, can we get out of it?

22 DEPUTY DIRECTOR WOHL: Yeah. You can always  
23 cancel an agreement.

24 COMMITTEE MEMBER PEACE: You can?

25 DEPUTY DIRECTOR WOHL: Yes. There's usually a

1 proviso in there for 60-days notice or something like that  
2 or even as minimal as 30-days notice. Either party can  
3 cancel an agreement. That's probably what we would do if  
4 it really didn't work out. The problem is even if we went  
5 out to bid, there's the potential that that task force,  
6 knowing there's something within state government that  
7 could do this work, would not approve an outside contract  
8 too. So we could run up against that.

9 COMMITTEE MEMBER WASHINGTON: Well,  
10 unfortunately, and -- I'll finish, Mr. Chair.

11 Unfortunately, it would be devastating again if  
12 we end up in a situation to where it might cost us more  
13 than what we're spending. That's just -- you know, that  
14 really is just a concern of mine.

15 And I hope that staff will be on top of this and  
16 really watching this thing as it goes and that you guys  
17 are kind of monitoring and making sure if something isn't  
18 looking right that you jump in because people can put  
19 stuff on paper. I can give you my resume and look like I  
20 was the Governor of California when I was in the  
21 Legislature. But that's on paper. So hopefully you guys  
22 will really watch this and make sure these folks can get  
23 this job done.

24 MS. SIKICH: We do take comfort in the fact this  
25 will be -- the first year of this contract will be our

1 sixth show. And staff is now very experienced in running  
2 this show and we'll be able to work closely with them.

3 COMMITTEE MEMBER WASHINGTON: You can see if they  
4 try to pull the wool over your eyes on something?

5 MS. SIKICH: Yeah.

6 CHAIRPERSON JONES: There's one of the provisions  
7 in that statute that you referred to that says that if  
8 going with the state agency actually costs more internally  
9 to do it, then that's a reason not to have to go that way.  
10 Have you looked at how much effort is going to be needed  
11 by Jerry and the rest of that crew? Is there a  
12 requirement for them to go over and above what they've  
13 done for the last five years the way this contract is  
14 written or proposed, the scope of work? Is staff of the  
15 Board going to have to use more staff time to make sure  
16 this contract gets completed and the show comes off than  
17 they had in the last few years with the original  
18 contractor?

19 MS. SIKICH: It's possible for the first year  
20 until CSUS really gets on board and becomes familiar with  
21 the show, just like we had to start from step one with  
22 ARC. I don't know that it would be that significant.

23 CHAIRPERSON JONES: There is a -- I know after  
24 the show there was a survey that went out to the people  
25 that were participants or that were vendors in the show to

1 ask how many contacts they got, this and that. But it  
2 seemed to me that the time frame was during the two days  
3 of the show. I may be wrong. But is there any follow-up  
4 with those vendors as to sustainable relationships that  
5 are being fostered, business relationships as a result of  
6 this show?

7 Jerry is walking down.

8 Identify yourself, please.

9 MR. HART: Jerry Hart with the Buy Recycled  
10 Section.

11 The exhibitor surveys that we handed out probably  
12 were distributed two months or so after the trade show.  
13 So it wasn't specific to, you know, what relationships or  
14 business was conducted at the show, but it was a fairly  
15 short time frame afterwards.

16 In fact, Patty and I were just talking yesterday  
17 about doing some follow-up, you know, six months out,  
18 eight months out, not only to help us prepare for the  
19 exhibitor prospectus for the following show, but to  
20 follow-up and see if we can track business that could be  
21 tracked directly back to trade show exhibitors and  
22 attendees. So we haven't to date. We've relied on that  
23 exhibitor survey. But you know, there's a lot of interest  
24 on what we can tie directly to exhibiting and attendance  
25 at the trade show. So we're looking into doing something

1 like that mid-show.

2 CHAIRPERSON JONES: Because we're putting money  
3 into this thing to try to get them. The audience we've  
4 been going after is local and state government. Is there  
5 any thought about, you know, maybe changing the focus of  
6 this thing to not only include local and state and going  
7 out and trying to get the real world business to grow this  
8 market?

9 MR. HART: We have. In fact, last year we  
10 definitely broadened the attendees list and outreach and  
11 marketing that we did. I know Mo was in charge of the  
12 advertising for the previous shows. And we placed a  
13 number of ads in publications that are typically  
14 private-sector-type publications.

15 But we do a lot of linking to websites. We get a  
16 few ads and materials, internal newsletters. And we've  
17 aimed a lot of that outreach into the private sector.  
18 This year, that effort has been expanded greatly, not only  
19 in terms of outreach to attendees from private businesses.  
20 Monique and I did a couple of presentations to Chambers of  
21 Commerce, and we've got a staff person working directly  
22 with Chambers. Again web links, presentations at their  
23 meetings and sort of stuff.

24 We've also expanded the show beyond the recycled  
25 product trade show. We've added a trailer, I guess you'd

1 call it, to the title to feature  
2 environmentally-preferable products. We have this  
3 relationship with the state agency buy recycled campaign  
4 to promote purchases of recycled content products to  
5 increase the agency's compliance with those buy recycled  
6 mandates. But the title really does show a little bit of  
7 disservice because we've always had  
8 environmental-preferable product exhibitors at the show;  
9 clean air vehicles, low energy products, water  
10 conservation products, and the like. So we're definitely  
11 expanding the number of exhibitors that are coming to the  
12 show, as well reaching out into the private sector for  
13 attendees.

14 DEPUTY DIRECTOR WOHL: I'd just add this year's  
15 theme is building materials -- sustainable building  
16 materials. So we're outreaching to architects and design  
17 people to bring them in as attendees to try to expand that  
18 scope also.

19 CHAIRPERSON JONES: All of these industries have  
20 trade shows. When and where is the building's trade show  
21 this year?

22 MR. HART: I think -- was it CBIA? They had the  
23 show in San Francisco last April, I believe, last spring.  
24 It was very close to ours last year. I don't know when  
25 they're having that show again this year.



1 MS. SIKICH: We've met with California Building  
2 Industry about being involved in this show, and they  
3 haven't mentioned that their show's around it.

4 CHAIRPERSON JONES: Because you know, if people  
5 are flying in to attend one, it'd be nice if we can link  
6 this as a follow up that they just stay another day. 2005  
7 you're looking at Ontario and you're concentrating on  
8 fleets or automotive as your theme. There's a huge car  
9 show down there in the summer months, you know, a lot of  
10 hot rods, a lots of stuff like that. It's usually on the  
11 weekend. But it attracts an awful lot of people. It  
12 might be something -- we ought to start figuring out how  
13 to link this stuff instead of throwing money at a program  
14 and try to build it. You've done a good job trying to  
15 build it, but we've got to start looking at some  
16 relationships.

17 I'm not even so sure we shouldn't be helping  
18 these folks get into major shows where the audience is  
19 considerably broader, you know, as opposed to doing our  
20 own.

21 What's the relationship if we end up with a  
22 one-year contract with a two-year option and one-year  
23 options, as opposed to a 60-day notice clause? Is that a  
24 problem?

25 DEPUTY DIRECTOR WOHL: I guess the question is,

1 do we have to renew that? I think it would probably be a  
2 wash as far as, you know, whether to have it three years  
3 and cancel, versus one year with --

4 CHAIRPERSON JONES: But you have to have cause to  
5 cancel, don't you?

6 DEPUTY DIRECTOR WOHL: No. I think --

7 CHAIRPERSON JONES: You enter into a contract.  
8 You normally have to have cause.

9 DEPUTY DIRECTOR WOHL: I think it says either way  
10 without cause.

11 CHAIRPERSON JONES: Let me rephrase the question.  
12 Is there a way for this Board not to have to cancel? That  
13 we can just say it's a one-year contract with two options,  
14 years?

15 MS. SIKICH: That's probably a contract question.

16 ACTING CHIEF COUNSEL BLEDSOE: Mr. Chairman,  
17 Maria just informs me that the provision we have in the  
18 agreement allows for termination upon 60-days notice  
19 without any cause. So we would have the ability to  
20 terminate the agreement without any particular cause  
21 having to be shown.

22 CHAIRPERSON JONES: And I guess it's just  
23 perception from my standpoint. The perception to me is  
24 like, "We're going to give you a contract, and if you do a  
25 good job, we will exercise the option for the next

1 two years." That's a positive. "We've going to enter  
2 into a three-year contract, but we hold the right to  
3 cancel with 60-day notice" is a negative. You know, it's  
4 just a perception issue to me. You know, one is a -- you  
5 know, trying to hope that we would get --

6 DEPUTY DIRECTOR WOHL: It seems like we could  
7 word it that way with up-to, provision that it can be  
8 funded up to this amount.

9 CHAIRPERSON JONES: I'll let these guys think  
10 about for it for a second. You guys go ahead and talk.  
11 Is either one of those okay with you, the options or --

12 COMMITTEE MEMBER PEACE: I like the option idea  
13 myself.

14 CHAIRPERSON JONES: Let's see if it's legal.

15 ACTING CHIEF COUNSEL BLEDSOE: We can do it  
16 either way you'd like.

17 CHAIRPERSON JONES: It's just a perception issue.  
18 It just seems like it's a carrot. And people need to be  
19 rewarded for doing a good job because it would be, you  
20 know -- so if that's okay and the members are comfortable,  
21 then -- any questions?

22 Ms. Peace.

23 COMMITTEE MEMBER PEACE: I have another question.  
24 How much was the contract with ARC last year?

25 MS. SIKICH: They had a three-year contract.

1 Their shows per-show average were about 95,000. This per  
2 show average is 115. So it's about a 20 percent increase,  
3 which we expected because of the length of time from when  
4 our current contract was initiated.

5 COMMITTEE MEMBER PEACE: That's a reasonable  
6 increase?

7 DEPUTY DIRECTOR WOHL: I think even ARC said if  
8 they had to bid, they would have to bid more.

9 Can I also add that I was talking to admin and  
10 they said we're probably going to have to do a revised  
11 resolution to get in this comment that you're making, but  
12 also to add this issue of the Executive Order as 402 so  
13 it's contingent upon getting an exemption through that  
14 process or whatever. So we'd probably add that to any  
15 changes you recommend. So we'd have a revised resolution  
16 for the Board meeting.

17 CHAIRPERSON JONES: We were going to add it  
18 before there was ever a resolution. I'll guarantee you.

19 Any other questions?

20 Mr. Washington.

21 COMMITTEE MEMBER WASHINGTON: Just before we  
22 finish this up. Under the contract for \$550,000, it's my  
23 understanding that April of '05 is going to be a two-day  
24 show with the idea that in '06/'07 there's going to be  
25 one-day shows. Is that correct?

1           DEPUTY DIRECTOR WOHL: The idea for this next  
2 show in Sacramento was to --

3           COMMITTEE MEMBER WASHINGTON: Let me finish my  
4 question. Are we committed to that, given the school that  
5 500,000 --

6           DEPUTY DIRECTOR WOHL: No. It's based on what  
7 they work and invoices they submit to us, based on when we  
8 do.

9           COMMITTEE MEMBER WASHINGTON: I don't want them  
10 to submit invoices when it's a one-day show to equal  
11 out --

12          DEPUTY DIRECTOR WOHL: They can't. We're kind of  
13 using this show as the second bench work to decide does a  
14 two-day show work. And we're going to reevaluate and  
15 decide whether it should be a one-day or continue to a  
16 two-day. We've kind of had mixed feelings from the  
17 exhibitors and participants. So the last one we did was  
18 in Los Angeles so we want to get a perception of that here  
19 in Sacramento.

20          CHAIRPERSON JONES: Ms. Peace.

21          COMMITTEE MEMBER PEACE: Under Task 8 it says,  
22 "We will review and coordinate all printed materials  
23 developed by the CIWMB. All must be of a common theme,  
24 design, and message." This year it's going to be more of  
25 a green building theme, but can we also make sure we work

1 in the "zero waste, you make it happen" Board theme in  
2 there?

3 DEPUTY DIRECTOR WOHL: Yes. Definitely.

4 CHAIRPERSON JONES: Okay. Any other questions?

5 We do have -- so folks listening understand. There was an  
6 Executive Order released yesterday about all contracts.  
7 And they will go through a process. So any contract that  
8 we vote to approve is going to have to read that it's got  
9 the -- that it's contingent upon review of the agency and  
10 Department or Department of Finance to determine whether  
11 or not we can go forward with the execution of this  
12 contract. So that needs to be added on all of our  
13 contractual things.

14 Any other questions? Who wants to -- Mr.  
15 Washington.

16 COMMITTEE MEMBER WASHINGTON: Mr. Chair, I'd like  
17 to move adoption of Resolution 2003-574, consideration of  
18 scope of work for the multiple recycled product trade  
19 shows, Fiscal Year 2003/04, contract concept number 6.

20 COMMITTEE MEMBER PEACE: Second.

21 CHAIRPERSON JONES: Okay. And to the maker of  
22 the motion, that will include the language?

23 COMMITTEE MEMBER WASHINGTON: Exactly.

24 CHAIRPERSON JONES: Both sets of language. Very  
25 good. Staff understands that. All right.

1 Members, substitute the previous roll.

2 Next item.

3 DEPUTY DIRECTOR WOHL: Agenda Item 14, Committee  
4 Item F is consideration of concept scope of work --

5 CHAIRPERSON JONES: We made a mistake. We have  
6 two resolutions here.

7 DEPUTY DIRECTOR WOHL: Oh, that's right.

8 CHAIRPERSON JONES: Sorry about that. Thanks,  
9 Ms. Peace. So you did 74?

10 COMMITTEE MEMBER WASHINGTON: Yes.

11 CHAIRPERSON JONES: And you met 74 and 75?

12 COMMITTEE MEMBER WASHINGTON: And 75.

13 CHAIRPERSON JONES: That's what I thought.

14 Ms. Peace, you still want to second those?

15 COMMITTEE MEMBER PEACE: I sure do.

16 CHAIRPERSON JONES: We'll put the scope of work  
17 on consent, and we will put the award on fiscal consensus.  
18 All right, Members. All right. Done.

19 Sorry. Go ahead.

20 DEPUTY DIRECTOR WOHL: Agenda Item 14,  
21 consideration of concept, scope of work, and contractor  
22 for the tire-derived sustainable building product design  
23 competition contract. And Kristen McDonald will present.

24 MS. McDONALD: Good morning, Committee Chairman  
25 Jones and Committee members.

1           Before I begin, I was asked to verbally  
2 acknowledge a minor change that occurred to the item after  
3 your packets were printed. The change was in the agenda  
4 item under environmental justice page 3. The wrong code  
5 was sited. It was sited as PRC 72000, and it should read  
6 Government Code Section 65040.12. It was made -- the  
7 change was made in BODS but was minor so they didn't  
8 reprint.

9           COMMITTEE MEMBER WASHINGTON: Kristen, say the  
10 code one more time.

11          MS. McDONALD: The Government Code is 65040.12.

12          COMMITTEE MEMBER WASHINGTON: Thank you.

13          MS. McDONALD: You're welcome.

14          So with that said, at the May 2003 Board meeting,  
15 the Board adopted the revised five-year plan that provides  
16 a yearly funding allocation to the sustainable building  
17 program to promote the use of recycled tire products.  
18 This year's funding allocation is \$300,000. And to date,  
19 no funds have been spent on any other activities.

20          If the Board -- the funding for the design  
21 competition is from the sustainable building allocation  
22 from the revised five-year plan. If the Board approves  
23 this item, the funds required to fund the competition  
24 would be \$146,400, leaving a balance of \$153,600 for the  
25 remaining of the fiscal year for sustainable building



1 activities.

2           Also based on Government Code 19130, we contacted  
3 six state agencies and CSUs to see who had the expertise,  
4 ability, and desire to develop and manage the competition  
5 for us. The one that showed interest was California  
6 Exposition and State Fair, Cal Expo. They have many years  
7 of experience in developing and managing competitions, and  
8 we're confident in their ability to perform the tasks  
9 listed in the scope of work. This would also be an  
10 interagency government between the Board and Cal Expo.

11           The competition is being produced to advance the  
12 concepts of sustainable building and the use of recycled  
13 content waste tires in building products. This  
14 competition will provide a venue for individuals to  
15 develop these building products made from California's  
16 waste tires.

17           Our desired outcomes are to increase the products  
18 manufactured from California waste tires to increase the  
19 use of waste tires end products currently being  
20 manufactured and to assist in providing a market for these  
21 recycled content products. The projects generated from  
22 this competition will provide the Board and the public  
23 with information on successful sustainable building  
24 materials and products manufactured using California's  
25 waste tires.

1           The target audience for the competition is  
2 California design schools, professionals, and  
3 manufacturers. All award-winning entries from the  
4 competition will be displayed at the 2005 California State  
5 Fair.

6           Staff recommends that the Board approve Option 1  
7 and A and adopt Resolutions 2003-571 and 2003-572. That  
8 concludes my presentation. Do you have any questions?

9           CHAIRPERSON JONES: Any questions, Members?

10          Ms. Peace.

11          COMMITTEE MEMBER PEACE: I just have some  
12 questions. Here it says the finalists will have their  
13 products on display during the 2005 California State Fair.  
14 How else will the products be displayed? I mean, are  
15 there going to be some industry magazines?

16          MS. McDONALD: Yes. There will be industry  
17 magazines. One of their tasks is for them to partner with  
18 media outlets for end building and manufacturing so that  
19 these products that are winning can get out there.  
20 They're also going to advertise in those for the  
21 competition.

22          COMMITTEE MEMBER PEACE: They're also going to  
23 have a website?

24          MS. McDONALD: They're going to have a website.  
25 They're going to advertise it on the Cal Expo website, and

1 we're also going to have a website here on the Board's  
2 Internet.

3 COMMITTEE MEMBER PEACE: Would it also make sense  
4 for us to give them a booth at our recycled trade show?

5 DEPUTY DIRECTOR WOHL: Sac State are after the  
6 fact, yeah.

7 MS. McDONALD: I'm sorry. You mean the people  
8 who are winning?

9 COMMITTEE MEMBER PEACE: The finalists, to show  
10 their products at the trade show.

11 DEPUTY DIRECTOR WOHL: Yeah. We probably would.  
12 That would probably be under our own purview to do that.  
13 We wouldn't have to write it into Sac State's contract. I  
14 don't know what the timing is. It would probably be our  
15 2006 show because the fair's in summer of 2005. So for  
16 us, it would be the 2006. But that's a good idea. So we  
17 get people seeing the products.

18 COMMITTEE MEMBER PEACE: Thank you.

19 CHAIRPERSON JONES: Questions?

20 You know, we've lost another crumb rubber  
21 manufacturer in the state of California, or we're very  
22 close to. So we are losing crumb rubber manufacturers  
23 throughout this state. Make sure, please, that anything  
24 made out of rubber that we're going to do is California  
25 rubber. Make sure that Cal Expo understands it is

1 California rubber.

2 MS. McDONALD: We did. When we had a conference  
3 call with them, we specified that. And we wrote it into  
4 their scope of work. So we absolutely will make sure that  
5 they submit their forms and they use California rubber.  
6 Absolutely.

7 CHAIRPERSON JONES: We are slowing but surely  
8 losing crumb rubber manufactures from influences from  
9 subsidized material. And that is not healthy for our  
10 infrastructure in trying to deal with waste tires. So as  
11 long as it's in there, that's cool.

12 We have two motions. Who wants to make the  
13 motions?

14 Ms. Peace.

15 COMMITTEE MEMBER PEACE: I'd like to move  
16 Resolution 2005-571, consideration of scope of work for  
17 the tire-derived sustainable building product design  
18 competition contract tire management fund, Fiscal Year  
19 2003/2004, and Resolution Number 2003-572, consideration  
20 of the contractor for the tire-derived sustainable  
21 building product design competition contract, tire  
22 management fund, Fiscal Year 2003/2004. And does this  
23 also have that contingent --

24 CHAIRPERSON JONES: Yes, it does.

25 COMMITTEE MEMBER PEACE: -- contingency clause

1 that it's going to be reviewed by the Department of  
2 Finance or --

3 CHAIRPERSON JONES: Or the agency. Okay. We  
4 have a motion by Ms. Peace and a second by Mr. Washington  
5 with the inclusion of the language on the Executive Order.

6 We've got two motions. On the first motion on  
7 the scope of work, Members, substitute the previous roll.  
8 On consent. Thank you.

9 And on the second motion, the award to the Fair,  
10 substitute the previous roll. On fiscal consensus.

11 Thanks you, Members. All right.

12 DEPUTY DIRECTOR WOHL: Our last item is Agenda  
13 Item 15, Committee Item G, consideration of completion of  
14 the 1997-1999 rigid plastic packaging container RPPC  
15 compliance agreements for the following companies. And  
16 Jan Howard will present.

17 MS. HOWARD: Good morning, Chair and Members.  
18 The item today presents six companies that the Board  
19 previously extended the company compliance agreements and  
20 one company that the Board required to submit  
21 certification for products packaged in regulated  
22 containers that were reintroduced in 2003.

23 With that, staff requests that the Board approve  
24 the company's identified under Options 1, 2, and 4 and  
25 recommend the Board adopt Resolutions 2003-523 through

1 2003-529.

2 This concludes my presentation, and I would be  
3 happy to answer any questions.

4 CHAIRPERSON JONES: Members, any questions?

5 Ms. Peace.

6 COMMITTEE MEMBER PEACE: Can I do what she said  
7 and --

8 CHAIRPERSON JONES: Absolutely.

9 COMMITTEE MEMBER PEACE: Okay. I'd like to move  
10 Resolution Number 2003-523, Resolution 2003-529,  
11 consideration of completion of the 1997-1999 rigid plastic  
12 packaging container compliance agreement.

13 COMMITTEE MEMBER WASHINGTON: Second.

14 CHAIRPERSON JONES: We've got a motion by Ms.  
15 Peace and a second by Mr. Washington.

16 Substitute the previous roll, members. On  
17 consent. Thank you, staff.

18 Next item is not for you, Ms. Wohl.

19 Item 16 is pulled. Item 17 is pulled.

20 Now we are in our planning element. Mr. Schiavo,  
21 Deputy Director's report.

22 DEPUTY DIRECTOR SCHIAVO: There are a few brief  
23 updates. First I'd like to start with updating you on the  
24 2002 annual reporting process. As I've notified you in  
25 the past, we have been delayed because we were missing a

1 few adjustment factors. We've been assured that the last  
2 of those will be available this Friday. So we will be  
3 working on that and testing the diversion information rate  
4 information. January 2nd we will have the information up  
5 on our website, and we expect annual reports due to us by  
6 February 2nd.

7           The program information has been available to  
8 jurisdictions. We've noticed them regarding that. We've  
9 kept them updated regarding this process. So many of them  
10 have taken advantage and already entered the program  
11 information so the only thing remaining for jurisdictions  
12 is just this information regarding diversion rates. We  
13 anticipate bringing these forward probably starting this  
14 summer.

15           Regarding the 2003 school district survey  
16 process, with the terrific help of our Information Branch  
17 staff, we were able to put together this year a real quick  
18 and easy on-line survey format for school districts. We  
19 sent a notice out December 3rd to over 1,000 school  
20 districts. We expect to get the bulk of our surveys in by  
21 December 19th. We also e-mailed the local jurisdictions  
22 to have them work with their school districts if they  
23 could answer questions, assist us and the school  
24 districts, if you will, for completing the survey. So  
25 we're trying to move forward as quick as we can. If

1 you're interested in what took place in 2002, that  
2 information is on our website. So you can kind of glean  
3 an idea of what the final product will look like.

4 With our waste characterization study, we're at  
5 the halfway point. I just wanted to update you regarding  
6 that. This year's process we've added several e-waste  
7 categories, as well as plastic categories so we can  
8 calculate the rigid plastic packaging rate. So we've also  
9 had cooperation from the division of recycling on this  
10 year's process. So I'll keep you updated when we start  
11 getting to some major milestones there.

12 And then finally, I'd like to update you  
13 regarding Item 31, which is in your Board packet. And  
14 this is consideration for an extension of the Compliance  
15 Order for the city of Gardena. Because of the timing of  
16 when we received the request for the extension, we just  
17 didn't have time because of the noticing requirements for  
18 this meeting so that's why we noticed it for the Board  
19 meeting.

20 Our legal counsel has responded back to the city  
21 of Gardena but requested some additional information that  
22 we need in order to move forward and fully understand the  
23 request to us. So that's where that is.

24 CHAIRPERSON JONES: Any questions, Members?

25 Mr. Schiavo, I want to thank Lorraine Van KeKerix



1 for doing some work. It was reported in Waste News that  
2 aluminum can recovery nationwide was dropping. That's an  
3 indicator to me since that's a commodity that always has a  
4 value. So I panicked to make sure that, in fact, what was  
5 going on in California -- and while the nation's recovery  
6 rate went down to 49.7 percent, California's has been  
7 holding steady for the last three years between 74.4 and  
8 74 percent of all aluminum. That's a big indicator that  
9 programs are working. Had it been the same kind of deep  
10 loss that would have followed the national trend, it would  
11 have really scared the heck out of me. And we'd have been  
12 looking at some other things.

13           So I want to thank Lorraine for all the work that  
14 her staff did to do this. These are the kind of  
15 indicators that we need to be aware of when we're looking  
16 at things to get an idea of, you know, the state of the  
17 world. I mean, there's some pretty strong signs when you  
18 look at our exports to Asia and some of those things that  
19 we need to consider all the time as to quality material  
20 and things like that to make sure that cities and counties  
21 and their haulers have the opportunity to move the  
22 material. So I want to thank you for that work.

23           Any others?

24           All right. Mr. Schiavo.

25           DEPUTY DIRECTOR SCHIAVO: Our first item is going

1 to be a status update on the venues and special events  
2 waste reduction efforts. And Chris Schmidle is going to  
3 present this item.

4 MR. SCHMIDLE: Good morning, Committee Chair and  
5 Members.

6 The goal for this project is to increase waste  
7 reduction at venue facilities such as stadiums, amusement  
8 parks and museums and at special events such as food  
9 festivals and cultural celebrations. The Board last heard  
10 a progress report on this project in May 2003. The  
11 following is an update of staff's activities and progress  
12 since then.

13 In the area of internal and external  
14 coordination, staff has assisted the California Resource  
15 Recovery Association in continued development of the  
16 Venues and Special Events Recycling Counsel, known as  
17 VSER, in making workshop presentations at the CRRRA annual  
18 conference and at the 22nd District Agricultural  
19 Association annual Del Mar Enviro Fair.

20 Staff has also supported the Board's Waste  
21 Prevention and Market Development Division's efforts to  
22 work with government and industry stakeholders in  
23 increasing recycling of plastic beverage containers in the  
24 use of compostable servicewear at venues and events.  
25 We've also provided direct professional guidance and

1 assistance to the cities of Indian Wells, Gilroy, and  
2 Isleton in their planning for newer expanded waste  
3 reduction and recycling programs at special events. We've  
4 conducted staff training for the Board's Office of Local  
5 Assistance staff on venues and events issues and tools so  
6 they, in turn, can educate and assist their local  
7 jurisdiction's contacts.

8           We've provided information and suggestions to the  
9 Board's Legislative Affairs Office for the proposed bill  
10 AB 734 supporting venues and events waste reduction and  
11 participated in a Department of Conservation Division of  
12 Recycling workshop to develop methods for increased  
13 beverage container recycling rates away from home.

14           In the area of industry research, staff has  
15 surveyed local jurisdictions to assess the status of local  
16 venue and event waste reduction programs, local tools and  
17 resources, and desired assistance from the Board. The  
18 survey also solicited feedback on the Board's new venues  
19 website and the tools available therein.

20           To date, approximately 62 percent of  
21 jurisdictions have responded and some preliminary finding  
22 are that jurisdictions' representatives were best informed  
23 about the waste reduction and recycling status of civic  
24 events and community festivals in those events held on  
25 public facilities, such as city parks, streets, and county

1 fairgrounds. Generally information about events at  
2 nonprofit and private facilities was very limited.

3           Of the 668 events reported, 27 percent had  
4 beverage container programs, 9 had cardboard programs, 4  
5 had MRF recovery programs, 3 percent had grass recycling  
6 programs, and less than 3 percent of the events reported  
7 had waste prevention, food composting, or paper diversion  
8 programs.

9           Of 343 venue facilities reported, the 15 percent  
10 had beverage container programs, 7 percent had cardboard  
11 programs, and less than 3 percent of the venues had waste  
12 prevention, green waste, food composting, or paper  
13 diversion programs.

14           Of the jurisdictions responding, 5 percent had a  
15 recycling or waste reduction policy or ordinance in place  
16 for venues or events or were actively considering  
17 developing one.

18           Of those who gave reasons for having venues and  
19 events waste reduction programs, the top choices were  
20 public education by example, the potential for recovery of  
21 large amounts of materials, and city or venue policy.

22           Of those who gave reasons for not having waste  
23 reduction programs, the most mentioned excuses were lack  
24 of staff to manage the program, a lack of funds for  
25 programs or equipment, or difficult to recycle waste

1 stream.

2 In the area of web-based education and  
3 assistance, staff has published the new Board's venue and  
4 events website located at [www.ciwmb.ca.gov/venues](http://www.ciwmb.ca.gov/venues). The  
5 site provides focused waste reduction education and  
6 information to venues and events managers, jurisdiction  
7 recycling coordinators, and the general public.

8 To publicize the web pages, staff officially  
9 launched the site at the annual CRRA Convention, published  
10 an article in infoCycling, and coordinated with the  
11 Board's Office of Public Affairs on a press release.  
12 Since the summer publication date, staff has enhanced the  
13 site by adding six more pages of information.

14 Staff also developed a self-help education fact  
15 sheet explaining how to do waste reduction and recycling  
16 at small to medium size events and venues. The sheet is  
17 designed for distribution by local governments along with  
18 their event or park use permits. The Department of  
19 Conservation Division of Recycling has endorsed the fact  
20 sheet and will partner with Board staff in marketing this  
21 tool. Staff is now drafting a step-by-step workshop  
22 manual on how to start venues and events waste reduction  
23 programs aimed at professional venue managers and event  
24 coordinators that will compliment the information on the  
25 website and fill a gap in existing Board resources.

1           The next steps that will be undertaken in the  
2 project depending on the availability of resources include  
3 working with the VSER staff to conduct a waste reduction  
4 problem-solving workshop for venues' and events' managers  
5 at the CRRRA training conference to be held in association  
6 with the Board's annual recycled products trade show in  
7 March 2004; coordinating with stakeholders in identifying  
8 additional venues and events for waste reduction,  
9 outreach, and assistance; further enhancing the venues and  
10 events website with additional information, case study,  
11 and resource links; coordinating with the Board's Office  
12 of Public Affairs and other Board programs to further  
13 market and publicize venues and events waste reduction and  
14 finalizing and publishing the step by step venue and  
15 events waste reduction manual.

16           Staff will continue to bring updates to the Board  
17 as the project progresses. That is the end of my  
18 presentation. I'd be happy to answer any questions you  
19 have.

20           CHAIRPERSON JONES: Any questions?

21           Ms. Peace.

22           COMMITTEE MEMBER PEACE: Yes. Can you tell me  
23 what AB 734 does?

24           MR. SCHMIDLE: Okay. That is a bill by  
25 Assemblyperson Montenez. Let's see. It's just being

1 rewritten right now, so I'm not clear on all the details.

2           As I understand, the bill will suggest that  
3 cities and counties adopt an ordinance that would cover, I  
4 think, the top 10 percent or top 20 percent of the venues  
5 by size and request that they develop a waste reduction  
6 plan, work with the recycling coordinator to develop a  
7 plan. I think it would also go after any new facility  
8 that comes online, that they would have a waste reduction  
9 plan as part of their building permit or use permit  
10 process. And then finally I think it mandates that the  
11 Board and the DOC assist local governments and venues by  
12 developing technical tools and provide technical  
13 assistance.

14           COMMITTEE MEMBER PEACE: Thank you.

15           Also you said that you have a survey that says  
16 how many venues had waste reduction programs. Is there  
17 anything that shows how effective those programs were?

18           MR. SCHMIDLE: That varies. I think what is  
19 interesting to me is the numbers of how few of them have a  
20 program at all. As I said, of the 668 events, only 27  
21 percent had beverage container programs. All of the  
22 materials dropped down below single digits. And the same  
23 thing is true for the events -- large events. And these  
24 are mostly the events that were sponsored by the city or  
25 held on city property. So in terms of effectiveness, I

1 think it depends on what types of material they're selling  
2 at the facility. But my guess is that they're probably in  
3 the 25 percent or below range.

4 COMMITTEE MEMBER PEACE: I was kind of  
5 disappointed at what they had at the State Fair when I was  
6 there a couple months ago. They had trash containers  
7 everywhere, but they only had like a recycled container  
8 every ten. For every trash receptacle, there was like a  
9 recycling one, only one. Instead of being side by side so  
10 when somebody went to throw something away, they could  
11 either put it in the recycle or the trash. So I go, this  
12 is only for only trash, but if I want to recycle it, I  
13 guess I have to walk way down there.

14 And also the ones that were for recycling -- I  
15 recognize they were for recycling, but they had taken the  
16 plastic -- that plastic liner and pulled them down over  
17 the sign that said "recycle." So hopefully we can make  
18 some suggestions, you know, for these venues so they can  
19 get their recycling rates up.

20 MR. SCHMIDLE: Yes. We have a state agency  
21 project going as well to work with agencies like the State  
22 Fair to get them to develop programs.

23 CHAIRPERSON JONES: Chris, in the last part of  
24 your presentation, you talked about offering a training at  
25 a CRRRA. Tell me what that is again.



1           MR. SCHMIDLE: Okay. This just came up in the  
2 last few weeks. Apparently CRRA is going to be partnering  
3 with the Board on the recycled products trade show. And a  
4 day before or two days before the trade show, they'll be  
5 in Sacramento offering sort of a mini-conference with  
6 training modules that asked us to participate. And I  
7 think this is an effort to boost attendance at the trade  
8 show.

9           CHAIRPERSON JONES: Okay. And so they're going  
10 to hold that for their members or for the public?

11          MR. SCHMIDLE: I think it's in lieu of their  
12 annual convention. I believe the NRC convention this  
13 summer is going to be held in San Francisco. So they're  
14 moving their training sessions around. I think it's  
15 mainly aimed at CRRA members, but we, for example, will be  
16 inviting all of the venues on our venues list. There's  
17 about 250 of them. We'll be sending them a brochure and  
18 inviting them to that training. And the training will be  
19 focused at both recycling coordinators from local  
20 governments but also at venue managers.

21          CHAIRPERSON JONES: Okay. The trade shows have a  
22 trade show -- the venues have a trade show. I thought we  
23 tried to get into one at one time or tried to do some work  
24 at one one time. Have we ever gotten anywhere with that?  
25 I mean --

1           MR. SCHMIDLE: I believe you're referring to the  
2 Western Fairs Association. Yes, they do have trade shows  
3 here. The problem is that there isn't just one. There's  
4 probably 20 or 30 depending on -- the venues are very  
5 diverse group.

6           I think now we have the tools. We have the  
7 website. We have the manual -- or we will have the manual  
8 very soon. We now have something where we can go to  
9 professional trade shows and offer them a set of tools and  
10 offer them targeted training if they so want. So I think  
11 that's part of our goal for the coming year is to take the  
12 show on the road, assuming that we have travel money.

13          CHAIRPERSON JONES: Okay. Thanks.

14          Any other questions? All right.

15          Thanks, Chris.

16          MR. SCHMIDLE: Thank you.

17          CHAIRPERSON JONES: All right. Mr. Schiavo.

18          DEPUTY DIRECTOR SCHIAVO: Item 19 is  
19 consideration of the adequacy of the five-year review  
20 report for the countywide integrated waste management plan  
21 for San Joaquin County. And Yasmine Satter will make this  
22 presentation.

23          MS. SATTER: Good morning, Chairman Jones and  
24 Committee members.

25          San Joaquin County has submitted a report of its

1 five-year review of the countywide integrated waste  
2 management plan, that is CIWMP. In concurrence with the  
3 local task force, the county determined that no revisions  
4 for the CIWMP were necessary at the time of the review.

5 Board staff has evaluated the five-year review  
6 report and agrees that the CIWMP adequately represents the  
7 waste management directions and priorities this county  
8 should continue to pursue into the future. Therefore, it  
9 is staff's recommendation that the Board approve this  
10 county's five-year review report.

11 This concludes my presentation. Thank you.

12 CHAIRPERSON JONES: Members, questions?

13 COMMITTEE MEMBER PEACE: I just had a question.  
14 On Page 19-12 it says San Joaquin County's diversion rates  
15 for the unincorporated San Joaquin County in '98 was 20  
16 percent and in '99 was 66 percent. Now that's great. But  
17 what did they do to go from 20 to 66 percent?

18 MS. SATTER: The county had -- almost every city  
19 in San Joaquin County has conducted new base year studies,  
20 and they have quantified their diversions. So based on  
21 those, these diversion --

22 DEPUTY DIRECTOR SCHIAVO: A lot of the original  
23 base years in 1990 we found to be erroneous. So because  
24 the system changed and people were trying -- you know,  
25 people were either naive or not as well informed in 1990

1 when they performed the original studies. So we were  
2 promoting new base year studies to be more accurate. And  
3 as a result, many jurisdictions have performed new base  
4 year studies. So anything you see before -- in that  
5 particular case, before 1998 may not be very solid  
6 information anyway.

7           So with the new base year study, we feel a lot  
8 more confident in that. Most of the new base year  
9 studies, the information was verified by staff site visits  
10 through that process. So --

11           COMMITTEE MEMBER PEACE: Then also in the chart  
12 above, all the jurisdictions, their disposal tonnage  
13 trends, every one went up except the county. They're the  
14 only ones that went down. So were their programs that  
15 much better, the new base year -- how come they're the  
16 only ones that went down and everybody else went up? Were  
17 their programs that much better than all the other  
18 jurisdictions? Is there some misreporting going on?

19           MS. SATTER: Actually, if you look at the  
20 disposal table, out of eight jurisdictions, five  
21 jurisdictions' disposals are down as compared to what they  
22 had projected in their original SRREs. And a couple of  
23 jurisdictions, city of Tracy and Escalon -- Escalon, they  
24 had issues -- self-hauling issues and there were some  
25 allocation problems. That's the reason their disposal is

1 higher, which they have overcome. Their 2001 diversion  
2 rate has gone up to almost 69 percent.

3 CHAIRPERSON JONES: That's a good point, Ms.  
4 Peace. It's kind of scary when you see some of these  
5 jurisdictions that miraculously get such incredible  
6 success.

7 Are there any other questions?

8 There are a lot of good programs going on in San  
9 Joaquin. I've got some knowledge that they were  
10 challenged by a lot of waste that was going into --  
11 forward that was being assigned to different places that I  
12 think they finally, through our staff, finally got that  
13 straightened out, which made things a whole lot easier.  
14 Probably made Tom Horton's retirement easier too because  
15 he was ready to blow a gasket every time he talked about  
16 it.

17 Any other questions, Members?

18 COMMITTEE MEMBER WASHINGTON: Mr. Chair.

19 CHAIRPERSON JONES: Mr. Washington.

20 COMMITTEE MEMBER WASHINGTON: Mr. Schiavo, when  
21 you -- I guess there's more items. We can't do anything  
22 about this one. But the numbers are all over the place.  
23 If we can narrow these agenda items to where we don't have  
24 to ask all these questions as you relate to the numbers  
25 and things like that -- and I'll talk to you more about it

1 if you're not clear where I'm coming from. I just think  
2 there's some things that could have been explained so we  
3 wouldn't have to go and try to figure it out as to where  
4 the numbers are and things like that and taking up all the  
5 Committee time trying to get some of these questions  
6 answered.

7 But if we can get the items narrowly defined a  
8 little bit better, it could certainly help out. Certainly  
9 for me it would help out in understanding San Joaquin,  
10 what happened, and things of that nature. We can talk  
11 more about it if you need a more clear direction as to  
12 what I'm talking about.

13 CHAIRPERSON JONES: Okay. Ms. Peace.

14 COMMITTEE MEMBER PEACE: With that I'd like to  
15 move Resolution 2003-511, consideration of the adequacy of  
16 the five-year review report for the countywide integrated  
17 waste management plan for the county of San Joaquin.

18 COMMITTEE MEMBER WASHINGTON: Second.

19 CHAIRPERSON JONES: We've got a motion by Ms.  
20 Peace, a second by Mr. Washington. Substitute the  
21 previous roll, Members. On consent.

22 Thank you.

23 Next item.

24 DEPUTY DIRECTOR SCHIAVO: Item 20 is  
25 consideration of the amended nondisposal facility element

1 for the unincorporated area of Imperial County. And Tara  
2 Gauthier will present this item.

3 MS. GAUTHIER: Good morning, Chairman Jones and  
4 Committee members.

5 The unincorporated area of the county of Imperial  
6 has amended its nondisposal facility element, NDFE, by  
7 identifying and describing three proposed new transfer  
8 stations, the Brawley Large Volume Transfer Station, the  
9 Imperial Medium Volume Transfer Station, and the Holtville  
10 Medium Volume Transfer Station. The Brawley Large Volume  
11 Transfer Station will serve the city of Brawley and  
12 unincorporated Imperial County. The other facilities will  
13 serve only Imperial County.

14 The Permits and Enforcement Division will be  
15 presenting an agenda item for the proposed permits for the  
16 facilities in the future.

17 Although the county originally proposed amending  
18 its NDFE to also include the proposed Medium Volume  
19 Transfer Station called Picacho, its location at this time  
20 is still unclear. Therefore, Board staff does not  
21 recommend approval of the Picacho Transfer Station  
22 amendment at this time and has noted this in the  
23 resolution.

24 However, the county has submitted all required  
25 documentation for the other three proposed facilities and

1 therefore recommends approval of this amendment to this  
2 county of Imperial's NDFE. This concludes my  
3 presentation. Thank you.

4 CHAIRPERSON JONES: I have a question. The  
5 county has identified that they're going to build a  
6 transfer station. They just haven't picked the location?

7 MS. GAUTHIER: That's correct.

8 CHAIRPERSON JONES: It's going to be on some  
9 county-owned property?

10 MS. GAUTHIER: That's correct. Well, they don't  
11 know even if they may have to purchase property for this  
12 Picacho.

13 CHAIRPERSON JONES: But if they purchase it, it's  
14 going to be on county-owned property?

15 MS. GAUTHIER: Yes.

16 CHAIRPERSON JONES: So they are describing the  
17 need for a nondisposal facility in their county. But  
18 because they haven't pinned down the location, we can't  
19 approve it, so they've got to go through this again before  
20 they can ever come forward for a permit. Think about that  
21 for a second. I mean, it seems to me that nondisposal  
22 facility elements talk about just that. I mean, these are  
23 facilities that are planned for the future; right?

24 MS. GAUTHIER: Yes.

25 CHAIRPERSON JONES: So is there something in



1 statute that requires us not to acknowledge that -- I  
2 mean, the county submitted it. It just doesn't make sense  
3 to me.

4 MS. GAUTHIER: Chairman Jones, if it's all right,  
5 we'd like to have Elliot describe the situation and why  
6 staff are making the recommendation they are. The county  
7 is also in agreement. Amending the NDFE will not take  
8 significant resources for them. But there is additional  
9 information that we felt was needed before we take forward  
10 the amended NDFE. But I'd like to let Elliot respond.

11 STAFF COUNSEL BLOCK: You may have already  
12 answered all of this already. Elliot Block with Legal  
13 Office.

14 My understanding was when questioned about the  
15 detail that's required under our regulations for that NDFE  
16 description, the county said they weren't ready to provide  
17 that information. And on their own they decided they were  
18 going to wait and provide it at a future date, that they  
19 don't really know where that facility is going to be  
20 located.

21 So while certainly we could approve that without  
22 a location identified, they would still have to amend it  
23 again prior to that permit coming forward. So I kind of  
24 figured we might as well wait and let them do it all at  
25 one time. The NDFE amendment, as you know, is much easier

1 than the siting element. But they don't know where they  
2 want to put it.

3 CHAIRPERSON JONES: But they need -- they want to  
4 put it somewhere. It's not like a siting element for a  
5 landfill. I mean, there you've got to go through CEQA.  
6 The siting element of a nondisposal facility element  
7 doesn't require CEQA findings because the permit will take  
8 care of that on its own.

9 STAFF COUNSEL BLOCK: The NDFE require CEQA, but  
10 if they buy a piece of property, they put this up and go  
11 through that process, they would be doing CEQA --

12 COMMITTEE MEMBER WASHINGTON: Does that put us in  
13 danger if we approve something like this and the county  
14 decides they want to put it in a neighborhood where people  
15 don't want it? Does that put the Board in jeopardy to say  
16 we approved this item -- the Integrated Waste Board  
17 approved -- I'm trying to understand that what's going on.

18 STAFF COUNSEL BLOCK: We're not recommending  
19 approving that facility because they haven't decided where  
20 they want to put it.

21 COMMITTEE MEMBER WASHINGTON: Is that Picacho?

22 STAFF COUNSEL BLOCK: Picacho. We're not  
23 recommending approving that. And the county was amenable  
24 to waiting to bringing that amendment forward until they  
25 have further determined what they're doing with that

1 facility.

2 CHAIRPERSON JONES: All right. Just didn't --  
3 you know, I mean, if it was a siting element, I'd have a  
4 different set of issues. By a nondisposal facility  
5 element, I'm almost positive we put in proposed facilities  
6 as part of NDFEs that ultimately did not go to those  
7 locations and we amended the location. But we'd at least  
8 addressed it, you know. That's fine. I mean, nothing we  
9 do here -- I think one thing that's important, just the  
10 fact that we approve a nondisposal facility element  
11 doesn't give somebody the license to build something.  
12 They have to go through the local process. They have to  
13 go through CEQA. Our approval means nothing. All we're  
14 doing is acknowledging that they, in fact, have thought  
15 about what they're doing. So that's cool.

16 All right. Any other questions? All right.

17 Ms. Peace.

18 COMMITTEE MEMBER WASHINGTON: Mr. Chair, I'm  
19 sorry. Just to be clear, in approving this item, it does  
20 not include the --

21 CHAIRPERSON JONES: No.

22 COMMITTEE MEMBER WASHINGTON: The Picacho --

23 CHAIRPERSON JONES: It's the first three.

24 COMMITTEE MEMBER WASHINGTON: Thank you.

25 CHAIRPERSON JONES: Ms. Peace.

1 COMMITTEE MEMBER PEACE: I'd like to move  
2 Resolution 2003-512, consideration of the amended  
3 nondisposal facility element for the unincorporated area  
4 of Imperial County.

5 COMMITTEE MEMBER WASHINGTON: Second.

6 CHAIRPERSON JONES: We have a motion by Ms.  
7 Peace, a second by Mr. Washington. Substitute the  
8 previous roll. On consent.

9 Next item.

10 DEPUTY DIRECTOR SCHIAVO: Twenty-one is  
11 consideration of request to change the base year to 2001  
12 for the previously approved source reduction and recycling  
13 element for the city of Tustin, Orange County. And Marie  
14 Kakutani will present this item.

15 MS. KAKUTANI: Good morning, Chairman Jones and  
16 Committee members. First of all, I want to mention  
17 there's a couple of typos in the agenda item, page 21-2,  
18 and that would be in the city geographic location. We  
19 need to remove Lake Forest since it does not border the  
20 city of Tustin. And the percentage of the nonresidential  
21 waste stream should be 83 percent. And that's it.

22 The city of Tustin originally submitted a new  
23 base year request with a diversion rate of 46 percent for  
24 2002 -- I mean 2001. Sorry. As a result of staff's  
25 verification findings, staff is recommending changes to

1 the base year. Based on the change, the base year  
2 diversion rate was determined to be 35 percent, with  
3 transformation credit 39 percent for 2001.

4 As part of the base year study review, Board  
5 staff conducted a detailed site visit. Board staff  
6 proposed changes that can be seen in Attachment 3 of the  
7 agenda package. The study includes some extrapolation  
8 tonnage from selected similar business types. The  
9 extrapolation methodology employed in this study was  
10 reviewed by an impartial third party and was found to be  
11 adequate. Because the city used a stratified  
12 extrapolation method rather than a simple extrapolation  
13 and they kept the actual tonnage for large generators  
14 separate from the extrapolation and extrapolated diversion  
15 tonnage was relatively small, the third party concluded  
16 the extrapolation methodology can be included in the  
17 study.

18 Board staff is recommending Option 2 of the  
19 agenda item, which would approve the revised new base year  
20 with staff recommendations. A representative from the  
21 city of Tustin is present to answer any questions. This  
22 concludes my presentation.

23 CHAIRPERSON JONES: Any questions, Members?

24 COMMITTEE MEMBER WASHINGTON: Just a quick one.  
25 So they were using 1990 as their base year?

1 MS. KAKUTANI: Yes.

2 COMMITTEE MEMBER WASHINGTON: And they want to  
3 change it to 2001?

4 MS. KAKUTANI: That's correct.

5 COMMITTEE MEMBER WASHINGTON: Why did they wait  
6 so long? We're in 2003.

7 MS. KAKUTANI: They had a contract in 2000  
8 with -- they changed to a new franchise hauler. And so  
9 they needed to get that on board.

10 COMMITTEE MEMBER WASHINGTON: All right.

11 CHAIRPERSON JONES: All right. The difference  
12 between 71 and 44,000, the city saw it, understands it?

13 MS. KAKUTANI: Yes.

14 CHAIRPERSON JONES: Okay. I just want to make  
15 sure. I'm looking for nods. All right. Thank you.

16 Ms. Peace.

17 COMMITTEE MEMBER PEACE: I'd like to move  
18 Resolution number 2003-513, consideration of the request  
19 to change the base year to 2001 for the  
20 previously-approved source reduction recycling element for  
21 the city of Tustin, Orange County.

22 CHAIRPERSON JONES: I'll second. We've got a  
23 motion by Ms. Peace, second by Jones. Substitute the  
24 previous roll, Members. On consent. All right. Thank  
25 you.

1 Next item.

2 DEPUTY DIRECTOR SCHIAVO: Item 22 is  
3 consideration of request to change the base year to 2002  
4 for the previously-approved source reduction and recycling  
5 element and consideration of a petition for sludge  
6 diversion credit for the city of Avalon in Los Angeles  
7 County. And Steve Uselton will present this item.

8 LOCAL ASSISTANCE SUPERVISOR USELTON: Good  
9 morning, Chairman Jones and Committee members.

10 The city of Avalon submitted a request to change  
11 its base year from 1990 to 2002. With the new base year,  
12 the city's diversion rate would be 47 percent for 2002.  
13 Board staff worked closely with the city to develop and  
14 conduct the base year study. And as part of the base year  
15 study review, Board staff conducted a detailed site visit  
16 of major businesses in the city's material recovery  
17 facility.

18 The programs that the city implemented during  
19 2002 were the operation of the material recovery facility  
20 for the recovery of recyclable materials that were  
21 previously incinerated; increased collection of  
22 residential and commercial recyclable materials, and C&D  
23 recycling.

24 The city also submitted a petition for sludge  
25 diversion credits requesting 220 tons of sludge diversion

1 be added to its new base year. The sludge is dried at a  
2 nearby wastewater treatment plant, brought to the landfill  
3 where it is mixed with soil, and then it is used as ADC,  
4 alternative daily cover.

5 Staff determined that the petition for sludge  
6 diversion credits is adequately documented. Staff Board  
7 is recommending Option 1 of the agenda item which would  
8 approve the new base year as originally submitted by the  
9 city and the petition for sludge diversion. The city was  
10 not able to send a representative to today's meeting but  
11 did provide a letter of support for this agenda item to  
12 Committee Member Chair Jones. The city also provided this  
13 letter to staff.

14 Are there any questions?

15 CHAIRPERSON JONES: Any questions, Members?

16 COMMITTEE MEMBER WASHINGTON: Yeah. Steve, in  
17 terms of the sludge, was sludge being dumped in the  
18 landfill in 2002?

19 LOCAL ASSISTANCE SUPERVISOR USELTON: In 2002,  
20 they began using the sludge as an alternative daily cover.  
21 But in previous years, that material was just being  
22 disposed at the landfill.

23 COMMITTEE MEMBER WASHINGTON: Because I was just  
24 wondering were they counting on the -- counting it as  
25 disposal up until that time? Because that would explain



1 why they had such low diversion rates.

2 LOCAL ASSISTANCE SUPERVISOR USELTON: That's  
3 correct. And also all of the material was being sent to  
4 an incinerator. And of course, that was being counted as  
5 disposal.

6 COMMITTEE MEMBER WASHINGTON: Okay.

7 CHAIRPERSON JONES: The city has gone -- I'll  
8 tell you. I see what the city of Avalon has had to do,  
9 and then I listen to a lot of these other cities. They  
10 had to fight the county for four years just to get a pipe  
11 in to deal with fire suppression, and the pipe was sitting  
12 on the property for three years so they could build a MRF.  
13 They had to wait for the county. So the city of Avalon  
14 has done more than its share.

15 COMMITTEE MEMBER WASHINGTON: Beautiful place,  
16 too.

17 CHAIRPERSON JONES: Yes, it is. I've never got a  
18 chance to take a look at the MRF, you know. All the rest  
19 of them kept --

20 LOCAL ASSISTANCE SUPERVISOR USELTON: I know they  
21 would enjoy a visit.

22 CHAIRPERSON JONES: It's an Executive Order. All  
23 right.

24 COMMITTEE MEMBER WASHINGTON: We could get a  
25 canoe.

1           CHAIRPERSON JONES: We could get a canoe. That  
2 would work.

3           You want to make a motion here?

4           COMMITTEE MEMBER WASHINGTON: Yeah. I'd like to  
5 move adoption of Resolution 2003-515, consideration of the  
6 request to change the base year 2002 for the  
7 previously-approved source reduction and recycling element  
8 and consideration of petition for sludge diversion rate  
9 credit for the city of Avalon, Los Angeles County.

10          CHAIRPERSON JONES: I'll second. It's okay. I  
11 got a motion by Washington, and a second by Jones.

12          Members, substitute the previous roll. On  
13 consent.

14          Okay. Next item.

15          DEPUTY DIRECTOR SCHIAVO: Item 23 -- Nikki will  
16 present the next three items. Item 23 is consideration of  
17 a request to change the base year to 2000 for the  
18 previously-approved source reduction and recycling element  
19 for the city of El Paso De Robles, San Luis Obispo County.

20          MS. MIZWINSKI: Good morning, Committee members,  
21 members of the Board.

22          The city of El Paso De Robles has submitted a  
23 request to change their base year to the year 2000. In  
24 its study, the city originally requested a 38 percent  
25 diversion rate for the year 2000. As a result of Board

1 staff's site visit to verify the city's claimed diversion,  
2 Board staff is recommending a diversion rate for the  
3 year -- a revision of 38 percent.

4 The site visit verification results can be viewed  
5 in detail by referring to Attachment 3 of the agenda item  
6 packet. No extrapolation or business surveys were used to  
7 calculate the diversion amounts.

8 This request is generally consistent with Board  
9 standards for accuracy. Therefore, staff recommends the  
10 Board approve the request to change the base year for El  
11 Paso De Robles to the year 2000. Representatives of the  
12 city could not be present today.

13 This concludes my presentation. Are there any  
14 questions?

15 CHAIRPERSON JONES: Just one, Nikii. On page  
16 23-14, under buy-back centers shows 2300 and 27 tons. I'm  
17 assuming that's over and above CRV materials because CRV  
18 is -- well, you got drop-off centers that show glass,  
19 HDPE, pad aluminum, and then the one above it shows 3400  
20 tons of buy back. Is that CRV type buy back? Is it --  
21 it's pretty good tonnage.

22 OFFICE OF LOCAL ASSISTANCE BRANCH MANAGER MORGAN:  
23 Board members, if you turn to 23-26 which is the staff  
24 attachments, it explains the materials. And it includes  
25 more than CRV. It includes scrap metal, cardboard, other

1 types of paper. So you're right. It is more than just  
2 CRV beverage containers.

3 CHAIRPERSON JONES: Okay. All right. But you  
4 increased it.

5 OFFICE OF LOCAL ASSISTANCE BRANCH MANAGER MORGAN:  
6 Yeah.

7 CHAIRPERSON JONES: You went from 34 to 44,  
8 another 1,000 tons?

9 MS. MIZWINSKI: Yes.

10 CHAIRPERSON JONES: No kidding. Man, that's  
11 good. That's a pretty darn good program. All right.

12 Any other questions?

13 Mr. Washington, do you want to --

14 COMMITTEE MEMBER WASHINGTON: Mr. Chair, I'd like  
15 to move adoption of Resolution 2003-514, consideration of  
16 request to change the base year to 2000 for the  
17 previously-approved source reduction and recycling element  
18 for the city of El Paso De Robles, San Luis Obispo County.

19 CHAIRPERSON JONES: I'll second. We're going --  
20 we'll ask Ms. Peace when she gets back. But on consent?

21 COMMITTEE MEMBER WASHINGTON: Subsitute the  
22 previous roll.

23 CHAIRPERSON JONES: Substitute the previous roll.

24 COMMITTEE MEMBER PEACE: I'm back.

25 CHAIRPERSON JONES: On El Paso De Robles, did you

1 have any questions?

2 COMMITTEE MEMBER PEACE: No.

3 CHAIRPERSON JONES: Okay. Substitute the  
4 previous roll. On consent. Beautiful.

5 Next item.

6 DEPUTY DIRECTOR SCHIAVO: Twenty-four is  
7 consideration of the application for an SB 1066 time  
8 extension for the city of Exeter in the consolidated waste  
9 management authority regional agency, Tulare County. And  
10 Nikii will present again.

11 MS. MIZWINSKI: The city of Exeter has requested  
12 an amendment to its plan of correction in its original  
13 1066 time extension application which was approved by the  
14 Board on May 14th and 15th of 2002.

15 Since that time, the city has found that its  
16 commercial on-site pickup where all commercial waste is  
17 taken to a dirty materials recovery facility program as  
18 outlined in its original plan of correction, is not  
19 working as planned. As an alternative program, the city  
20 will implement an ordinance requiring collection of source  
21 separated commercial recyclables program instead. This  
22 change in programs will not impact the previously-approved  
23 time extension end date of December 31st, 2003.

24 The amended application addresses all the  
25 requirements of the SB 1066 application and includes a

1 discussion as to why the programs in the original plan of  
2 correction need to be changed. The original program was  
3 not cost effective and did not meet its diversion  
4 expectation. The proposed new program is anticipated to  
5 divert more material than the previously identified  
6 program and may include a cleaner material to produce a  
7 better commodity value. Staff's analysis of the city's  
8 amended plan of correction has shown that request is  
9 reasonable, given the city's waste stream and the change  
10 requested.

11 Based on this information, staff is recommending  
12 approval of the city's amended application as submitted on  
13 the basis of its good faith effort to date to implement  
14 its original plan of correction and its plans for future  
15 program implementation. A representative for the city of  
16 Exeter is present today to answer any questions.

17 This concludes my presentation. Thank you.

18 CHAIRPERSON JONES: Any questions, Members?

19 COMMITTEE MEMBER WASHINGTON: I just have a brief  
20 question, Mr. Chair. Anyone can answer this for me.

21 In terms of these extensions, how many do we  
22 issue in a year's period to a particular local government  
23 making the request?

24 DEPUTY DIRECTOR SCHIAVO: Well, out of the last  
25 cycle for the 2000 biannual review process, there's about

1 150, I believe.

2 COMMITTEE MEMBER WASHINGTON: No. I mean for one  
3 local government agency, how many times can they come  
4 before the Board and ask for an extension?

5 DEPUTY DIRECTOR SCHIAVO: There's no limit up  
6 until January 1st, 2006. And then the program expires.

7 CHAIRPERSON JONES: I think the way the law was  
8 written it was they could originally get a two and a three  
9 or three and a two.

10 DEPUTY DIRECTOR SCHIAVO: Up to a three year.

11 CHAIRPERSON JONES: Up to three year on the first  
12 shot and up to two years on the second shot.

13 DEPUTY DIRECTOR SCHIAVO: Yeah.

14 CHAIRPERSON JONES: And that was the Legislature.  
15 And the agency is supporting this inclusion of Exeter  
16 because I know these guys are working hard to try to get  
17 stuff done.

18 COMMITTEE MEMBER WASHINGTON: I just wanted to  
19 ask that.

20 CHAIRPERSON JONES: That's a good question.

21 Who wants to make a motion?

22 Mr. Washington.

23 COMMITTEE MEMBER WASHINGTON: Mr. Chair, I'd like  
24 to move adoption --

25 CHAIRPERSON JONES: Ms. Peace, did you have a

1 question?

2 COMMITTEE MEMBER PEACE: No.

3 COMMITTEE MEMBER WASHINGTON: I'd like to move  
4 adoption of Resolution 2003-516, consideration of the  
5 application for amended SB 1066 time extension for the  
6 city of Exeter in the consolidated waste management  
7 authority regional agency, Tulare County.

8 COMMITTEE MEMBER PEACE: Second.

9 CHAIRPERSON JONES: We have a motion by Mr.  
10 Washington, a second by Ms. Peace. Substitute the  
11 previous roll. On consent.

12 Thanks you, Members.

13 DEPUTY DIRECTOR SCHIAVO: The final item, Number  
14 25, is consideration of failure to meet SB 1066  
15 alternative diversion requirement goal achievement plan  
16 and consideration of the amended SB 1066 alternative  
17 diversion requirement application.

18 CHAIRPERSON JONES: Pat, I've got six speaker  
19 slips on this one. We're going to take about a ten-minute  
20 break and then come back for this item. Thank you.

21 (Thereupon a recess was taken.)

22 CHAIRPERSON JONES: Okay. We're ready to  
23 convene. Any ex partes, Ms. Peace?

24 COMMITTEE MEMBER PEACE: No. I have none.

25 CHAIRPERSON JONES: Mr. Washington.



1 COMMITTEE MEMBER WASHINGTON: I have none.

2 CHAIRPERSON JONES: Okay. I have one with John  
3 Cupps. We were talking LEA certification issues.

4 The city of -- the next issue is Item 25, which  
5 is the consideration of the issuance of Compliance Order  
6 for the city of Arvin, Kern County. The City of Arvin has  
7 asked if they could sit up at these seats right here.  
8 That's fine. But this is -- you know, it's going to be  
9 one at a time speaking. This is not going to be a debate.  
10 So go ahead. Help yourselves.

11 DEPUTY DIRECTOR SCHIAVO: Nikki will go ahead and  
12 make this presentation at this time.

13 MS. MIZWINSKI: Good morning again. On June  
14 18th, 2002, the Board approved an SB 1066 alternative  
15 diversion requirement application, an ADR, for the city of  
16 Arvin to allow the city until December 31st, 2003, to  
17 implement additional programs to reach the diversion goal  
18 of 45 percent.

19 During discussions with the city and upon  
20 visiting the city on June 3rd and 4th of 2003, Board staff  
21 learned that the city was not implementing or chose to  
22 stop implementing some of the programs identified in the  
23 goal achievement plan, which is part of the ADR. At that  
24 point in time, Board staff discussed the need to either  
25 implement the programs in the goal achievement plan or

1 amend the ADR. The city subsequently submitted an amended  
2 ADR application.

3 Staff reviewed the application and determined  
4 that the amended programs were not adequate to achieve the  
5 ADR requested. Staff asked the city to prepare additional  
6 information by September 29th, 2003, so staff could assist  
7 the city in preparing its amended ADR.

8 On October 1st, 2003, the city provided staff  
9 with a letter stating that pending resolution of  
10 difficulties in the relationship with its current hauler,  
11 the city was unable to formulate and propose a new plan to  
12 amend their ADR.

13 On October 10th, 2003, the city provided staff  
14 with a second amended application and a report on the  
15 city's plan to take over the collection of its recyclable  
16 waste stream. Board staff have several concerns which are  
17 detailed in the agenda item with the implementation of the  
18 program's identified in the second application.

19 Specifically, staff are concerned about the city's  
20 justification for needing an amended application and does  
21 not have the confidence that the city will voluntarily  
22 plan, implement, and assess programs to meet the ADR at  
23 this time. In addition, staff are concerned with the  
24 effectiveness of the selected programs and the time frame  
25 for program implementation to meet the requested ADR.

1           In the absence of a good faith effort to  
2   implement the programs identified in the city's current  
3   ADR or propose an amended ADR that will meet the goal in  
4   the specified time limit, Board staff is proposing to end  
5   the city's current ADR; find that the city is not  
6   adequately implementing its' SB 1066 goal achievement  
7   plan; disapprove the city's amended SB 1066 ADR  
8   application; find that the city is not implementing it  
9   SRRE; and recommend the Board issue a Compliance Order.

10           Staff are also recommending direction to work  
11   with the city in developing a local assistance plan.  
12   Representatives for the city are present today to answer  
13   any questions.

14           This concludes my presentation. Thank you.

15           CHAIRPERSON JONES: Any questions of staff,  
16   Members? All right.

17           We've got five speakers that were handed to me in  
18   an order. The issue is whether or not we're going to do a  
19   Compliance Order. I think that members were aware of  
20   what's been going on in the city of Arvin for quite a bit  
21   of time.

22           And so Enrique Ochoa, David St. John, Louis  
23   Ippolito, Carmen -- it's hard to read your writing. I  
24   think Asevado and Juan Olivares, and then Ray Scott.

25           Okay. Mr. Ochoa.

1           MR. OCHOA: Mr. Chairman, thank you for allowing  
2 us the opportunity to present before you. Apologize if  
3 there was some confusion here. This is our first time  
4 here, and we did not know the logistics of the procedure.  
5 We thought this might be the best way to do it to make it  
6 a little smoother.

7           In that regard, I am the city manager for the  
8 city of Arvin. The people that you named and the people  
9 that are here with me include Mr. Juan Olivares who is our  
10 city Mayor, elected in the year 2000; our Mayor Pro Tem,  
11 Carmen Asevado; our city attorney, David St. John; and our  
12 waste management consultant, Mr. Louis Ippolito, to my  
13 right, to your left.

14           I just want to touch on a couple of topics.  
15 Arvin, as you know, is a small community. It's a small  
16 city of approximately 12,500 maybe to 15,000 people. It's  
17 a very rural community southeast of Bakersfield,  
18 California. It's very isolated. One of the claims to  
19 fame is that the first farm worker that was killed during  
20 the Chavez movement was from Arvin. So we are in that  
21 agricultural community that a lot of people have seen on  
22 television surrounded by carrot farms, melon farms,  
23 lettuce farms, cotton farms, that sort of a situation.  
24 Our demographics are now at 95, 97 percent hispanic. That  
25 is the ethnic composition of the city.

1           The major experiences I have had with the issue  
2 at hand include two or three major, major ones. The first  
3 one that I experienced was a proposal by the franchisee,  
4 our contractor, Mountainside Disposal, for a curbside  
5 container program that was very costly, and it was not  
6 very efficient to meet the AB 939 goals. I say that  
7 because I'm a new city manager. Have been there for  
8 approximately seven months.

9           I've also -- during that time and as a result of  
10 that first presentation, I started reviewing the total  
11 program that had been presented to the city previously.  
12 And I did that also at the request of the new elected  
13 officials. As I mentioned, Mr. Olivares, Mayor Pro Tem  
14 Carmen Asevado, came in in 2000, and we have three new  
15 City Council members as of last November. So it's a new  
16 Board, but it's a very hands-on Board. It's a very  
17 participative Board, and it's a very intelligent Board.

18           One of the things that I started reviewing that  
19 really alerted me to concern was not only the proposal of  
20 that franchise -- of that curbside container program that  
21 was going to cost the city a whole lot of money, but also  
22 the review of their outreach program. The materials that  
23 were provided to the city residents were very inadequate.  
24 They were linguistically incorrect. The materials were  
25 unreadable. If a Spanish speaker were to read them, they

1 would not be understood.

2 I'm telling you this because I used to own a  
3 translation service, and we were the major contractor for  
4 Bank of America nationwide. So I also have a minor in  
5 languages from the University of Stanford. The material  
6 they had was totally inadequate. It was obvious to us  
7 that the personnel that they had there didn't have the  
8 cultural awareness or the sensitivity to develop those  
9 kinds of programs.

10 Arvin is very unique. It's not a community that  
11 you can model a specific program and say, "Hey, let's  
12 implement that there." You really have to go in there.  
13 You have to plan. It's a unique program. And the  
14 contractor did not have qualified people to develop the  
15 program or to implement the program that had been proposed  
16 by them and presented to the Board staff. I thought, in  
17 fact, they were even in violation of certain federal and  
18 state laws that address equal opportunity.

19 The contractor, when we brought that to their  
20 attention at a City Council meeting, told us not to worry  
21 about it because the Board -- not to worry about the  
22 Board, that the Board had never issued any Compliance  
23 Orders, that there was not going to be any problem. Not  
24 to worry about the \$10,000 a day fine. That worried me  
25 because I knew that kind of language was unacceptable. We

1 started looking into it. We started working better with  
2 Nikki, with Tabetha from your staff. And those  
3 conversations and those unions have been very productive.

4 We are asking the Board not to recommend a  
5 Compliance Order, but to extend us a one-year opportunity  
6 to implement our proposal to meet the AB 939 goals. The  
7 rationale behind the request is reasonable considering  
8 that, again, we have newly elected officials. We have a  
9 new administration that is very willing, has the  
10 experience in linguistic and cultural sensitivity to  
11 implement an effective program in a very unique hispanic  
12 community.

13 Mr. St. John will present a chronology. Mr.  
14 Ippolito will present a plan. Mr. Olivares and Mrs.  
15 Asevado will express the political support behind the  
16 recycling program from our City Council. Thank you.

17 COMMITTEE MEMBER WASHINGTON: Mr. Chairman, I  
18 just have a concern with your observations as to how you  
19 end up where you are and that the new leadership has come  
20 in. You know, they have what is called recalls. And  
21 counsel members, if they're not doing what their city  
22 wants them to do, a petition goes out. People recall  
23 them.

24 MR. OCHOA: Yes, sir.

25 COMMITTEE MEMBER WASHINGTON: My concern is what

1 happens if Mr. Mayor and Ms. Vice Mayor is recalled in six  
2 months, and you still go back to the same situation. If  
3 it's the political climate, that's something that has to  
4 be dealt with with the city. And I just don't know if  
5 that argument sells that with the new leadership that we  
6 can move forward. I'm really concerned about that.

7 And so, Mr. Mayor, I see you raising your hand,  
8 if you want to make a comment about that.

9 I just want to make sure we stay focused in terms  
10 of where we're trying to go and how you guys are trying to  
11 get there. And when you begin the blame game, it opens up  
12 a myriad of opportunities for us to raise a lot of  
13 questions here. So be careful in terms of your addressing  
14 these because I'm certainly going to raise it, and I know  
15 the Chair and Ms. Peace will raise these concerns when you  
16 say, "We're the new kids on the block and we're going to  
17 make a difference here." And in six months you come back  
18 and say, "We couldn't meet it because two of our members  
19 were recalled."

20 It happens in the state of California, and  
21 certainly when I was in the state assembly in my district,  
22 I had several cities where I had issues where people were  
23 being recalled left and right. So I know for a fact that  
24 it happens. Yes, sir, Mr. Mayor.

25 MAYOR OLIVARES: Committee members and Chair



1 Jones -- thank you. Committee members and Chair Jones,  
2 I'm Mayor from the city of Arvin. I have been recalled.  
3 There was a recall already attempted on me. They failed.

4 COMMITTEE MEMBER WASHINGTON: It does no good if  
5 it fails. I'm talking about if it's successful and we get  
6 a new Mayor.

7 MAYOR OLIVARES: What I wanted to get to is we've  
8 done a lot of positive changes in the last couple of  
9 years. We have put nine people in jail, including the  
10 Chief of Police, city managers, electricians, a lot of  
11 people. There was a lot of misdoings in our community.  
12 If you go back and check out Bakersfield.com, you can look  
13 at that. We cleaned house. And the community has looked  
14 at that. We've done work on a skate park. We've done a  
15 lot of positive change in our community.

16 They can try many, many recalls and we would  
17 still be there because the local people, the 97 percent  
18 people who are there, they're seeing the changes. No  
19 longer you have the administration that was stealing  
20 money. We estimate about \$2.5 million a year. That has  
21 been on the news. As far as recalls are concerned, we are  
22 committed to this recycling plan and that won't happen.

23 CHAIRPERSON JONES: Can I ask a question of the  
24 city manager? The ADR that was in place called for pilot  
25 programs. Every one of the pilot programs got done. Why

1 didn't the City Council pull the trigger on even one of  
2 those programs?

3 MR. OCHOA: Mr. Mayor --

4 CHAIRPERSON JONES: I'm not elected. I'm  
5 appointed.

6 (Laughter)

7 COMMITTEE MEMBER WASHINGTON: The Mayor almost  
8 responded too.

9 MR. OCHOA: I'm a city manager and I'm used to  
10 saying, "Mr. Mayor." Every two weeks we do this.

11 If I might, what had happened previously -- and  
12 then I'll let Mr. St. John perhaps go into it a little  
13 more in detail because he can go into the chronology. But  
14 basically a lot of the programs that you mentioned -- one  
15 of them we did stop, by the way. And that was when we  
16 became aware of the kinds of things that were going on,  
17 and that is the curbside program.

18 It was a pilot program that they started off with  
19 10, 20 percent of the population. They came then before  
20 the City Council and said, "Hey, we want to increase the  
21 rates. It's going to cost you guys about \$100,000." We  
22 looked at it, and Mayor Pro Tem asked, "How much is that  
23 going to increase the percentage of our goals towards  
24 meeting the AB 939 recycling percentages?" And they said,  
25 "1, 2, 3 percentages. Maybe at the very maximum 6

1 percent." But at this time they had already told us that  
2 according to their calculations we were at 20 something  
3 percent.

4 So it was not going to get us any closer. It was  
5 going to be very costly. And when we started looking at  
6 other components, not only of just some of the programs  
7 you mentioned, but the program overall, we started to see  
8 that there were a lot of problems, a lot of discrepancies.  
9 We decided to take it over, and that's where we're at  
10 right now.

11 CHAIRPERSON JONES: Who paid for the bins?

12 MR. OCHOA: The bins were paid from the tax that  
13 was collected from the residents of the city of Arvin.

14 CHAIRPERSON JONES: Because programs are -- I  
15 mean, I sat on the Board that approved that ADR. And I  
16 read in your letter that it was presented by the hauler  
17 without the permission of the city. We had a letter at  
18 the same time from the city that told them, you know, that  
19 a --

20 MR. OCHOA: The gentleman that wrote that letter,  
21 he was also accused and just about went to jail as well.

22 CHAIRPERSON JONES: But still, it was at the same  
23 time, I mean, you know, irregardless of what the time was.  
24 The thing came forward. Your letter says they came  
25 forward without the city's permission. That's clearly not

1 true.

2 My concern is I see programs. I see the  
3 hauler -- and just so you know, I'm the industry seat on  
4 the Board. I've done programs. I understand what it  
5 takes. And I also understand what it's like to sit in  
6 front of a City Council who refuses to pay for a program.  
7 I understand what it means. Just understand that.

8 MR. OCHOA: Mr. Jones, that was the first time  
9 they had come to the City Council to present any kind of a  
10 program implementation.

11 CHAIRPERSON JONES: Okay.

12 MR. ST. JOHN: Chairman Jones and City Council --  
13 I'm doing the same thing.

14 My name is David St. John. I'm the city  
15 attorney. And I've done an analysis of how basically we  
16 got here, what are the delays, and have addressed  
17 basically these time line issues.

18 And in going back, as of July of 1992, the time  
19 that the SRRE was adopted by the city, from that time  
20 forward when the city was handling the program, it was in  
21 compliance. It demonstrated its good faith in meeting its  
22 goals so that by 1996 the city, had surpassed its AB 939  
23 goal. And even in the next year, it went up to 39  
24 percent.

25 As contrasted from 1997 to the present, the

1 amount of points -- diversion points were down to  
2 something like 29 percent. It's gone down around 11  
3 percent in that same period of time during the time that  
4 the contractor had taken this over. So as of 1997 then,  
5 from that time to the present, the contractor took over  
6 this contract on a no-bid situation with a provision in  
7 the contract guaranteeing the city that it would be in  
8 compliance with AB 939.

9           Now, that means that obviously the city has to  
10 approve programs in terms of cost. And during that entire  
11 time, one program was brought before the City Council at a  
12 \$100,000 cost, a 20 percent increase to the residents for  
13 one program. And from what I understood, it was to  
14 achieve perhaps a 1 percent increase. If you extrapolate  
15 that out over 17 percent, that's \$1.7 million dollars for  
16 that amount of increase or 45 -- you know, it's just when  
17 you look at 1 percent for \$100,000 on one part of the  
18 pilot program with nothing else, you take a look at it.

19           Now, as of 2001, the state was informed -- the  
20 state informed the city of its failure to meet its goal.  
21 And, now, that was the 2000 goal. Then in November of  
22 2001, the ADR was submitted and the 1066. And again, it  
23 was approved by the state by June of 2002. And at the  
24 same time, Mr. Jones, comes the letter that you referred  
25 to from this person who was the -- signed by a person,

1 Steve Ortega. No one in the city saw this letter,  
2 contributed to this letter. Mr. Ortega was not a  
3 community services director. He was a building inspector  
4 at the time. And how this letter got generated and  
5 submitted at the time of the approval by the Board, we  
6 don't know.

7 But what's interesting is at the same time staff,  
8 as of June the same time, 2002, made a certain analysis of  
9 Arvin. And I'm reading from their staff report to the  
10 Board for the June 18th to 19th, 2002, meeting. In that  
11 staff said, "The city has been locked into a franchise  
12 agreement prior to 2001 and was limited into its ability  
13 to negotiate new programs." Well, that lock-in was from  
14 1997 to 2001.

15 Now here's something very interesting. It says,  
16 "However, when the city contracted with its new hauler, it  
17 was able to leverage new programs." Well, somehow staff  
18 got the erroneous idea at the same time this letter was  
19 written that there was a new hauler and that, therefore,  
20 there was new opportunities and new leverage or new things  
21 that were going to be happening. So the staff believed  
22 that and presented that to the Board, and the Board  
23 believed that. But that was not true. It was the same  
24 hauler that had been all the way through.

25 Now the rest of this is very true. "The staff

1 agrees that in providing a large portion of educational  
2 material, program materials in Spanish will overcome the  
3 language barrier." Now, that is a key component because a  
4 plan that does not speak to the people, that does not  
5 communicate to the 97 percent of the people there cannot  
6 work, no matter what it looks like. It has to have that  
7 communication implementation for that to happen.

8           Now, as far as -- then moving on. It wasn't  
9 until May of 2003 that the contractor submitted the  
10 recycling program, but at that time there was only six  
11 months left to the December 31, 2003, deadline. It was  
12 impossible for the city to have reached its diversion  
13 goals within that final six-month period just to start  
14 with.

15           Now, the City Council had a difficulty with one  
16 program that was brought in for \$100,000. That's true.  
17 But that's the one thing that had been presented to the  
18 city with no other alternative.

19           So the city then looks into this. We hire a  
20 consultant. The consultant looks at the performance.  
21 There are numerous, numerous problems; incorrect charging  
22 moneys; problems with this whole thing. And notices of  
23 default are going to the contractor. And there is, as  
24 you're peeling back the onion looking at the thing, you're  
25 looking at also the recycling aspect of it.

1           So the staff then comes out and takes a look at  
2 these programs. Some of the programs staff thought were  
3 good. Some they didn't. When we looked at them -- and  
4 Mr. Ippolito will explain this in more detail -- many of  
5 those programs do not match the city of Arvin. Some of  
6 these programs are designed, perhaps, for a number of  
7 cities, but Arvin is a particular city. It doesn't have  
8 the waste stream to support certain of those programs.  
9 And Mr. Ippolito will point that out in more detail.

10           But in any event, because of the looming time  
11 deadlines, the city then served the contractor with a  
12 30-day notice to cure, bring all of these things into full  
13 compliance in a realistic feasible way.

14           The contractor took no action on that. And  
15 immediately at the end of that 30 days, the city then  
16 submitted its alternate plan. That's as quickly as they  
17 could do it. Had it done it prior to that time,  
18 potentially the city could have been accused of breach of  
19 contract. We gave the contractor the full opportunity as  
20 provided by its contract.

21           The city since that time in October to this time  
22 in December has diligently pursued its goals. We've  
23 written a new waste management ordinance, recycling  
24 ordinance, that has been adopted by the City Council  
25 covering all of these things, bringing our ordinance up to



1 date. We've purchased vehicles. We've begun a serious  
2 implementation plan that's going into effect. And  
3 Mr. Ippolito can explain that further.

4 So at the times that the city has had this prior  
5 to 1997, it had met and surpassed the goals. From 1997 to  
6 the present, the city has fallen behind. The city now has  
7 the right to take over its recycling stream according to  
8 the Government Code and is doing so.

9 And we would ask and respectfully request that  
10 the Board grant the city some time to do that. Give us a  
11 chance.

12 Now, as far as recalls, we're asking for a brief  
13 amount of time, a year, perhaps six months. During that  
14 time, we've got the current political group in place, and  
15 let us prove that we can do that. We would like this  
16 group to be able to prove its good faith as it had  
17 previously.

18 So I would like Mr. Ippolito to discuss in more  
19 detail the unworkable aspects of the prior hauler's plan.

20 MR. IPPOLITO: Thank you.

21 CHAIRPERSON JONES: Excuse me.

22 Mr. Washington.

23 COMMITTEE MEMBER WASHINGTON: How long have you  
24 been the city attorney?

25 MR. ST. JOHN: I have been there for

1 approximately five, six months.

2 COMMITTEE MEMBER WASHINGTON: All you guys are  
3 new?

4 MR. ST. JOHN: I came in shortly after Mr. Ochoa  
5 became city manager.

6 COMMITTEE MEMBER WASHINGTON: What did you do  
7 prior to city attorney?

8 MR. ST. JOHN: I've been a real estate and  
9 development attorney for probably 30 years.

10 COMMITTEE MEMBER WASHINGTON: Where are you based  
11 out of?

12 MR. ST. JOHN: Santa Barbara.

13 COMMITTEE MEMBER WASHINGTON: Mr. City Manager,  
14 where did you come from prior to coming to this city?

15 MR. OCHOA: I come from Arizona with 25 years of  
16 experience, and I've also lived in Santa Barbara for a  
17 little more than a year.

18 COMMITTEE MEMBER WASHINGTON: You've been there  
19 approximately the same amount of time? It's a whole new  
20 crop of people from the outside. All right. Thank you.

21 COMMITTEE MEMBER PEACE: Did you say you had a  
22 new contractor, a new hauler?

23 MR. ST. JOHN: I might comment that the prior  
24 city attorney was not from Arvin. And you know, so it  
25 wasn't a new crop of people from the outside. Arvin is a

1 small community. I don't know if there are any attorneys  
2 who -- I haven't found one yet -- who actually lives in  
3 Arvin. And so I didn't want to make it seem as if  
4 suddenly there are some people descending on the city from  
5 the outside. We are certainly committed to what we said.

6 COMMITTEE MEMBER WASHINGTON: And certainly that  
7 wasn't -- my comment wasn't to suggest that people were  
8 descending on the city. I'm just trying to -- as I read  
9 the chronological reasons for how you end up here, I just  
10 want to make sure I know who the players are and we have  
11 to make a decision here. And that's whether to issue a  
12 compliance against you guys or not. You're making an  
13 argument as to why you don't want the compliance issued,  
14 and I'm just jotting down some notes so after the folks  
15 finish speaking we can make a decision on this in terms of  
16 what direction we want to go in. So that was my basis for  
17 asking that.

18 COMMITTEE MEMBER PEACE: Is Mountainside Disposal  
19 still your contractor?

20 MR. ST. JOHN: The 30-day notice of termination,  
21 that went out on September 11th. The effective date of  
22 termination was October 11th.

23 Now, after that time we are now in the course of  
24 litigation -- potential litigation, mediation with respect  
25 to the trash hauling aspect of it. However, on the

1 recycling part of it, the city under the Government Code  
2 owns its own recycling stream.

3           So the city, regardless and notwithstanding the  
4 contract and notwithstanding the dispute with the hauler,  
5 has given notice and is in the course of taking over its  
6 own recycling stream. And separate -- once the  
7 recyclables are separated from the trash, it is no longer  
8 trash and is no longer subject to the hauler's contract in  
9 any event. So in that case, the city will begin  
10 implementing its plans and is doing so now independent of  
11 the contract.

12           CHAIRPERSON JONES: Can I ask a follow up?  
13 You're saying that -- because there is a five-year rule in  
14 the state of California. They may not have it in Arizona.  
15 But there is a five-year rule in the state of California  
16 that deals with permitted haulers.

17           You're saying that a curbside program that you  
18 guys didn't endorse, that if somebody separates a material  
19 out and puts it at the curb, what had been done at the  
20 expense of Mountainside, now you're going to take that  
21 over, and that's okay? You can do that because it's now  
22 the property of the city?

23           MR. ST. JOHN: There's sort of a moral question  
24 there. What I would like to do is have Mr. Ippolito who's  
25 the technical person as to the prior plan and the current

1 plan, but as far as --

2 CHAIRPERSON JONES: But you're the lawyer. And  
3 you just told us why you were doing it. Now I'm asking  
4 you -- because to tell you, I'm just like every other  
5 Board member here. We listen to the stuff that comes  
6 forward, and we read what we get, and we make a decision.

7 You said that after it got separated out, it  
8 became the property of the city. Where do you get -- I  
9 mean, what do you rely on in law when you've got an  
10 agreement with a hauler who's paying to do a pilot program  
11 for the city that the City Council has never funded, how  
12 does that all of a sudden switch from a pilot program to  
13 now the property of the city? I'm confused.

14 MR. ST. JOHN: I'm not speaking of the program  
15 being the property of the city. I'm speaking of the  
16 solid -- of the recyclable stream being owned by the  
17 city --

18 CHAIRPERSON JONES: The only reason there is a  
19 recyclable stream is because there's a program; right? If  
20 you didn't have a curbside bin for recyclables, there  
21 wouldn't be a program. It would be mixed in with the MSW.

22 MR. ST. JOHN: It takes it being separated,  
23 obviously. That's what the city intends to do.

24 MR. IPPOLITO: Mr. Jones, may I address that  
25 question?

1           CHAIRPERSON JONES: Go ahead. I'm waiting with  
2 anticipation.

3           MR. IPPOLITO: Currently, we do not have a  
4 curbside recycling program in place. There's been a pilot  
5 for a while. There has been some investment on the  
6 hauler's part to implement a program to pick up  
7 residential curbside recyclables in automated containers.  
8 That program never fully realized itself because I think  
9 it was May or June of this year they actually came before  
10 counsel and said, "We'd like to extrapolate this program  
11 to the entire community." At this point --

12          CHAIRPERSON JONES: That's a normal conclusion of  
13 a pilot. Go ahead.

14          MR. IPPOLITO: At that point, the program was  
15 probably close to like \$3.50 a month per resident. The  
16 city is already paying -- the residents, believe it or  
17 not, in that little city of Arvin are paying \$20 a month  
18 for a two barrel program. That's kind of high by  
19 California standards. So this would bring it up to about  
20 23-and-a-half, \$24.

21          CHAIRPERSON JONES: How much of the 20 does the  
22 city of Arvin get? What's your fee that you take out of  
23 every barrel?

24          MR. IPPOLITO: I think it's an \$8,000 -- it's an  
25 \$8,000 a month fee.

1           CHAIRPERSON JONES: So when you talk about a \$20  
2 barrel, believe me, I've done more. I've operated more  
3 places than you've consulted. And a \$20 fee doesn't get  
4 me very nervous. So I want to know what piece of that  
5 you're getting. Because, you know, we're trying to get to  
6 the bottom of this thing, and I'd like to get -- you know,  
7 cut through some of the stuff.

8           MR. IPPOLITO: Well, the \$8,000 operational fee  
9 was actually a part of the buyout over the term of the  
10 contract, along with a franchise fee was also an up-front  
11 fee that the hauler paid to buy the contract from the  
12 city. The city at one point before 1997 operated its own  
13 residential collection program. According to the  
14 contract, this operational fee, the up-front fee, and  
15 whatever attorneys' fees it took to develop this contract  
16 were borne by the contractor to take over the city's  
17 contract. So we don't really have a "fee" on top of --

18          CHAIRPERSON JONES: You get a franchise fee and  
19 then the 8,000 bucks pays off -- that bought the  
20 contractor, however you guys phrase that.

21          MR. IPPOLITO: We got a \$200,000 what they call a  
22 franchise fee, what you and I would probably think  
23 different. Now, this new fee, the operational monthly  
24 fee, I guess is part of the buyout, yes.

25          CHAIRPERSON JONES: So a grand, plus 200,000

1 grant?

2 MR. IPPOLITO: Eight grand a month.

3 CHAIRPERSON JONES: Plus 200,000 a year in a  
4 franchise fee?

5 MR. IPPOLITO: No. Two-hundred grand up front,  
6 one time cost. So I don't -- you know, I don't see the,  
7 you know --

8 CHAIRPERSON JONES: Every year. Two-hundred  
9 grand one time every year?

10 MR. IPPOLITO: No. Just one time in 1997.

11 CHAIRPERSON JONES: All right.

12 MR. IPPOLITO: So there really is no program in  
13 place, and so we got concerns. Six months prior to having  
14 to meet the 45 percent, the hauler comes in and says,  
15 "We'll do a curbside program." Well, what about the other  
16 programs that you wrote into the 1066, like the commercial  
17 recycling program? What is happening with construction  
18 and demolition debris? And how are we going to meet our  
19 goals in six months, you know? Very obviously a short  
20 time frame.

21 So kind of what happened is they developed a  
22 plan, and almost 19 or 20 months later nothing was really  
23 done. There was a pilot program in place for residential.  
24 But if -- and I have the proposal in my hand, May 22nd to  
25 the city. It says, you know, we'll do a 96 gallon blue



1 cart curbside program. It doesn't address the other  
2 12 percent that we need to get to our 45 percent goal in  
3 the only six months we have left.

4 So my contention is that the programs never  
5 adequately addressed our needs in the first place. And  
6 now with six months left, they're only addressing a 1 to 3  
7 percent diversion rate program at a high cost to the  
8 residents. It just didn't seem equitable.

9 Further investigation into the 1066, one of the  
10 programs that was going to give us 4 percent of the needed  
11 17 percent by the end of -- well, by a couple of weeks  
12 from now is a commercial green waste diversion program.  
13 So in order to get 4 percent, we need about 500 tons a  
14 year. Well, in the SRE, there was only 68 tons total  
15 identified in the disposal waste stream for the commercial  
16 industrial sectors.

17 CHAIRPERSON JONES: Who did the SRE?

18 MR. IPPOLITO: A firm I haven't heard before,  
19 twelve years ago. I forget the name of the firm. I'm  
20 sorry.

21 CHAIRPERSON JONES: Sixty-eight tons for 15,000  
22 people don't make sense to me.

23 MR. IPPOLITO: Even on a practical sense, we  
24 don't see the green waste. Because if you notice, we have  
25 like a four-block business sector in the city. And

1 there's absolutely no green waste in any of the businesses  
2 that we've seen. Now, there is green waste at the  
3 schools, but we don't think it's 500 tons a year. So we  
4 don't see -- and as a result, that program has never been  
5 implemented, nor has it ever been brought to the city. So  
6 we never even allowed to look at it, approve it, see if it  
7 would reach our goals on time, what it would cost, what it  
8 wouldn't cost. The only thing that was ever brought to  
9 our attention was this curbside program that falls  
10 15 points short of our diversion rate.

11 CHAIRPERSON JONES: You know of our ex parte  
12 rules; right?

13 MR. IPPOLITO: No.

14 CHAIRPERSON JONES: Our ex parte is when we get  
15 letters from people or information, we ex parte it. I  
16 don't now if other members got it, but I got stuff from  
17 Mountainside, which I ex parted by normal channels.  
18 Sometimes one of us gets something. Sometimes all of us  
19 get it. But it talks about a residential curbside pilot  
20 program. But it also talks about commercial on site  
21 program where they went out and bought containers, and  
22 you're saying that that program never came forward?

23 MR. IPPOLITO: That program was in its pilot  
24 stage for two weeks, in which they had figured out the  
25 numbers. For two weeks they ran this program according to

1 them, because they've given us a report on it. And based  
2 on extrapolating two weeks to one year, I got a 1.3  
3 percent diversion rate. In the 1066 they said it could  
4 give us a 4 percent diversion rate.

5           However, they did buy a bunch of 300 gallon  
6 containers. You know those big automated containers? But  
7 they fill up with cardboard. Nobody brakes the cardboard  
8 down. They're really ineffective for commercial recycling  
9 when 80 percent of your waste stream is cardboard, as far  
10 as the divertable waste stream in the commercial sector.  
11 They were very ineffective.

12           A better program would be to put a front loader  
13 out there with one- or two- or three-yard containers.  
14 Maybe multi materials. What happens is these 300-gallon  
15 containers, you open them up and boxes are scrunched in.  
16 There's not even 30, 40 pounds in there. It was  
17 ineffective. I didn't say they didn't do it. I just --

18           CHAIRPERSON JONES: Actually, you did say they  
19 didn't do it.

20           MR. IPPOLITO: Did I say that? I'm sorry.

21           But that was never extrapolated, and it was never  
22 brought to our attention. We were never allowed to vote  
23 on it. When I did the math, it didn't make sense anyway.

24           CHAIRPERSON JONES: Is it your understanding that  
25 if you put a whole cardboard box in a three-yard container

1 that it takes up a lot less room than if you put a whole  
2 box in a 300-gallon container?

3 MR. IPPOLITO: No, but it's my experience --

4 CHAIRPERSON JONES: It's obvious you've got to  
5 talk with the store owners. Okay.

6 MR. IPPOLITO: And we're doing that right now.  
7 We just did 40 waste audits. And we're doing a  
8 multi-material program. We're going to include 20  
9 recyclables. We're going to sort through them ourselves.  
10 We don't have a choice. We have a pending Compliance  
11 Order here before us.

12 We just bought a front loader. We retrofitted it  
13 with a Bane auto lifter for automated container  
14 collection. We're also going to use that commercial front  
15 loader to collect commercial recyclables, bring them back  
16 to our yard, and sort through them.

17 You know, this is not incredibly cost-effective  
18 for us, and we're not going to make a lot of money on it.  
19 Our hopes are to avoid a Compliance Order, one; a fine,  
20 two; and to make sure that we get to this 50 percent  
21 somehow. Because we're doing everything in our power.

22 We revised the solid waste ordinance as Mr. Jones  
23 said, and we just spent \$75,000 on containers. We just  
24 bought a bunch of containers from Consolidated  
25 Fabricators, one- to three-yarders for recycling,

1 multi-material recycling. We've got people up and down  
2 the commercial corridor setting up recycling programs as  
3 we speak. Our truck was delivered yesterday. We're  
4 really doing it. We're really -- you know, stuff you can  
5 understand. We've got a truck and containers and, you  
6 know, we have a sorting line. It's all there.

7           And we had to do it because nothing was  
8 happening. If it was happening, it was either in, you  
9 know, pilot stages, pilot phases. Maybe it was a show or  
10 maybe it wasn't. You know, we're responsible. We  
11 understand that.

12           And, Mr. Washington, we're sorry if there's any  
13 blame game going on. We're trying to just get some extra  
14 time. We're trying to show you that we can do it as a  
15 city, as a municipal operation --

16           CHAIRPERSON JONES: But when there was a pilot  
17 program, nobody could pull a trigger. Why should we  
18 believe -- I mean, you're talking about not having a  
19 curbside and putting a drop-off center for the citizens.  
20 Do you honestly believe that a drop-off center in a  
21 corporate yard is going to attract citizens to bring their  
22 recyclables?

23           MR. IPPOLITO: No. Our new plan actually has a  
24 curbside recycling program, Mr. Jones. I'm sorry if you  
25 don't have a copy of it. The new program has a curbside

1 program, and we're going to invest in 64-yard containers  
2 and pick it up.

3 CHAIRPERSON JONES: What's that going to cost?

4 MR. IPPOLITO: Well, it's going to cost  
5 something. We borrowed money from the redevelopment  
6 agency to do that. But it's not going to cost 3 or \$4 a  
7 month.

8 CHAIRPERSON JONES: All right. Go ahead. Who's  
9 next? Or keep finishing.

10 MR. IPPOLITO: That's basically all I have. We  
11 are going to basically do a commercial commingled  
12 recycling program. We're going to collect recyclables  
13 from the single family sector, and we're going to  
14 implement -- re-implement our construction, demolition,  
15 recycling debris program, and we don't understand why it  
16 ever stopped. But we do have an ordinance in place, and  
17 we're going to have to take it over and make sure it  
18 happens.

19 MAYOR OLIVARES: Chair Jones, I'd like to say  
20 something.

21 As City Council, we are committed to -- when  
22 Mountainside was coming before us and they came -- Mr.  
23 Price, one of the owners, came before us at least ten  
24 times. We were always being told that everything was  
25 okay. Prior to City Manager Ochoa, Mr. Payne, which was

1 the city manager, he never even cared about AB 939 or any  
2 recycling programs or anything like that. All we knew --  
3 we were never politicians. We were brought into this  
4 community because there was a lot of misdoings. We ran  
5 for office, and we put people in jail. That's all we  
6 knew. We thought we were cleaning house.

7           Until now. We find about out of compliance,  
8 \$10,000 a day, and all this. The previous city manager  
9 never told us anything. The previous officials never  
10 warned us of anything. We are committed. Once we found  
11 out that there was these rules, that you had sent letters  
12 or this Board had sent letters, we are committed to doing  
13 things.

14           I, myself, have -- at City Hall, we are recycling  
15 every paper and cardboard box that goes through there. We  
16 have large containers -- very, very large containers, and  
17 we make Price come and pick them up.

18           I did a newspaper story with a bunch of kids. I  
19 sponsor a karate class, about 150 kids. I sponsor every  
20 single one of the kids there in our community. And those  
21 kids, we make them clean our streets and at the same time  
22 recycle. We took them to the drop-off facility that you  
23 were talking about, and 150 kids are recycling at that  
24 drop-off center.

25           The other thing I did is I had Price move the

1 recycling drop-off container from a park that was very --  
2 nobody knew where they were. I put them right on Main  
3 Street so as you drive through Main Street, you see the  
4 drop-off containers. It's a very drastic move. You drive  
5 through downtown and you see these containers. I did have  
6 them painted and make them look a little nicer.

7 But we are doing things, you know, from going and  
8 doing a story so the local people would know. We mention  
9 it at City Council meetings. We make sure that City  
10 Hall's doing our part. And we aggressively as a City  
11 Council are aware of it.

12 I believe that if you give us a chance, we will  
13 go out there and do our best. We don't understand trash.  
14 I know you do. And I believe Ippolito does. And we want  
15 to ask for an opportunity to do this, and I think you  
16 would be surprised in the efforts, and we will accomplish  
17 the goals that we set forth. So all we're asking is for  
18 an opportunity. Give us an opportunity for a year. Thank  
19 you.

20 CHAIRPERSON JONES: Okay.

21 MS. ASEVADO: Thank you, Mr. Chairman and members  
22 of the Board. My name is Carmen Asevado, and I'm the Vice  
23 Mayor for the city of Arvin.

24 And what I can basically tell you is as a  
25 Councilperson, we trusted our hauler when he would come up



1 to the council meetings and tell us that everything was  
2 okay. It wasn't until we started researching and asking  
3 questions and had Ad Hoc committees to sit down with the  
4 hauler and try to get as much information as we can to get  
5 informed to have the knowledge of what was happening. And  
6 when I hear you say that the city possibly could not put  
7 this on, the city did its own recyclables and its own  
8 trash hauling before 1997. And we were above compliance.  
9 So I believe that we have the people in place to have this  
10 operational collecting be prosperous. We are just asking  
11 to give us the opportunity. Give us an extension of the  
12 time and not to issue the Compliance Order.

13           The hauler was trying to do pilot programs, but I  
14 believe -- and it's -- I can say this for the Council as a  
15 whole, it was too little, too late. He had the  
16 opportunity or they had the opportunity to have pilot  
17 programs since 1997, since before. And as a resident of  
18 city of Arvin for over 30 years, I cannot recall prior to  
19 this Council to this administration asking questions,  
20 programs in place.

21           I am a business owner. I own the second largest  
22 market in the city of Arvin. And as a business owner, I  
23 don't recall the hauler coming to the business and showing  
24 us what to do or telling us, you know, "Let's do this.  
25 Let's do that." And I've been in business for -- since

1 1997 in the city of Arvin.

2           So it's a no-win situation right now, and we're  
3 asking to give us the opportunity. Let us prove  
4 ourselves. Let us get these programs in place and give us  
5 the opportunity that within a year, see what our progress  
6 is. That's all I have to say. Thank you.

7           CHAIRPERSON JONES: I didn't say you couldn't do  
8 it. I said the City Council couldn't pull the trigger,  
9 meaning make the motion to fund the programs. That's what  
10 I was referring to.

11           MS. ASEVADO: I'm sorry. I misunderstood you,  
12 Mr. Jones.

13           CHAIRPERSON JONES: I'm sure you probably can do  
14 it. But my frustration is we've already worked with the  
15 city of Arvin once to put programs, and then when I see  
16 pilots out there and elected officials not taking the  
17 action necessary to move those programs into full  
18 implementation, then I have a problem with that.

19           MS. ASEVADO: I understand that, Mr. Jones.

20           Excuse me, Mr. Mayor. I didn't mean to interrupt  
21 you.

22           But that pilot program came to the Council too  
23 late. I personally asked Mr. Price if we implement this  
24 now, what would be -- what's going to be the outcome by  
25 December of 2003? And I know we have our minutes and we

1 had it reported. And he said, "You know, maybe 2 percent  
2 at the most. Can't guarantee it." So when he can't  
3 guarantee it and we know we're not going to meet the  
4 compliance, you know, the Council is looking at funds.  
5 Where we're a small community. Our budget doesn't permit  
6 us to spend so much money. So we need to -- at that time  
7 we saw what was the best for the city.

8           Also, in September we had a time period where the  
9 Council could vote to take our service back. And if we  
10 didn't do it at that time period, then we were going to be  
11 stuck with this contract for X amount of years. So that  
12 was another reason that the Council voted the way we did,  
13 because we wanted to maintain the service, get the service  
14 back. And we only had that -- I believe it was a  
15 three-month period to vote on that. And it was a  
16 consensus of the Council that we wanted our services back.

17           And in dealing with that, if we're going to get  
18 our service back, do we really want to spend the \$100,000  
19 for a pilot program that's not going to get us anywhere  
20 but 2 percent maybe? At a maybe. Because it wasn't even  
21 a guarantee. That, as a Councilperson and discussion with  
22 the Council, that's how we came to that. It's not that we  
23 didn't want the implementation of the programs or that we  
24 denied it. It was -- there was a lot of other issues and  
25 concern, the \$100,000 and the implementation of the pilot

1 programs. It wasn't that we just denied it. There was  
2 certain reasons for it.

3 CHAIRPERSON JONES: And I don't care, you know,  
4 who your hauler is. That's never my issue. Okay. I  
5 mean, I competed against most of the people that sit in  
6 front of me. That's not my issue.

7 But my issue is more logical, I think. You've  
8 got somebody in place who's doing a pilot, who can do a  
9 program and roll it into existing expenses; right?

10 MS. ASEVADO: Correct.

11 CHAIRPERSON JONES: Normally, that's cheaper than  
12 going out and buying trucks and hiring employees and  
13 building -- I mean, you guys are talking about putting in  
14 processing. I don't know who's giving you the numbers,  
15 but it amazes me how you couldn't afford to do a program  
16 when it was in pilot and expand it, to take it over. But  
17 that's your own business. I mean, I don't know whether  
18 there's a three-month's window. I don't know any of that.  
19 You know, there's singular provisions in contracts that  
20 are different than state provisions. And that's not my  
21 concern.

22 My concern is why shouldn't we put you on a  
23 Compliance Order when you couldn't get it done the first  
24 time? Under an ADR and under a 1066, even if you only got  
25 2 percent or 3 percent -- because anybody that tells you

1 you're going to get more than 7 or 8 percent on a curbside  
2 program is lying to you. I don't care if you're in the  
3 city of Santa Barbara or the city of San Francisco. I ran  
4 the one in San Francisco. They're incremental and it  
5 depends on the socioeconomic stream. You'll never see any  
6 aluminum out of a curbside in all likelihood in most of  
7 the areas that you're in. It won't be there. So you're  
8 going to go dealing with wax paper, wax board, things that  
9 have no value or very limited value.

10 But you know, I look at that and I say, you know  
11 even if they didn't hit it, as long as they show progress,  
12 they were able to come back to this Board and get the SB  
13 1066 extended. But you know, the fact that they didn't do  
14 anything, that option is history. Now it goes to  
15 compliance.

16 So, you know, sometimes knowing how this game  
17 works is worth a whole lot more than all the rhetoric.  
18 Because, you know, the system works in a way that -- we're  
19 always into getting cities to comply in the easiest way we  
20 can, you know, trying to help them, give them the tools to  
21 provide programs to the citizens. So we do a pretty good  
22 job, seeing as we've only fined five jurisdictions. But  
23 we have a lot of them on 1066.

24 Mr. Washington.

25 COMMITTEE MEMBER WASHINGTON: Just a couple

1 questions. How many employees do you have in the city of  
2 Arvin?

3 MR. OCHOA: We have 32 employees right now.

4 COMMITTEE MEMBER WASHINGTON: Do you have a  
5 Public Works Department?

6 MR. OCHOA: Yes, sir. We do.

7 COMMITTEE MEMBER WASHINGTON: In that Public  
8 Works Department -- because I heard Madam Vice Chair say  
9 on a continuing basis that we ask Mr. Price to come  
10 forward. Did staff ever give any recommendation as to  
11 what was happening, or did you not have staff dedicated to  
12 watching over these type of programs, which I would  
13 believe we have other than the hauler giving you advice as  
14 to what was going on.

15 MS. ASEVADO: Mr. Washington and Mr. Chair, if I  
16 may, prior to the hiring of Mr. Ochoa as the city manager,  
17 there was some staff reports. It was -- they would come  
18 up and give the presentation and that was it. It wasn't  
19 until Mr. Ochoa, along with the Council, doing research  
20 saw letters from the Board and brought it to the attention  
21 of the Council. And at that point we formed an Ad Hoc  
22 committee with two members of the counsel, with Mr. City  
23 Manager, and our consultant, with Mr. price so we can sit  
24 and talk and get as much information as we could. So that  
25 was what we did at the time. But prior to that, no, sir.

1 There was no staff reports or staff recommendations  
2 because the staff would not provide anything to the  
3 Council. And as being new Council members, we trusted the  
4 hauler. We trusted what was being said to us.

5 CHAIRPERSON JONES: Now Mr. Mayor, you've been  
6 on since 2000?

7 MAYOR OLIVARES: Yes. For the last three years.  
8 The first year we pretty much -- the first year and a half  
9 we spent our time pretty much putting the Chief of Police,  
10 city clerks, Treasurer, everybody in jail and taking them  
11 to the grand jury and going through that process.

12 Then we had a period where we had no city manager  
13 or no city clerk, no Treasurer, so we had all these  
14 interims. And once we did that, we started a program  
15 where we needed to focus on getting a permanent city  
16 manager, a permanent attorney. We had to fire everybody.  
17 So we just about seven months ago got a full-time  
18 attorney, full-time city manager, full-time finance  
19 director, full-time everybody.

20 CHAIRPERSON JONES: Thanks.

21 Ms. Peace.

22 COMMITTEE MEMBER PEACE: All I want to say, it  
23 sounds like you're really trying hard and you're dedicated  
24 to making a difference in your community. But all I want  
25 to do is remind you that while a Compliance Order may seem

1 to be a punitive measure, that it's not. All this order  
2 does is it will put you into contact with our local  
3 assistance staff, who will determine gaps in the program  
4 areas and make recommendations in improving and expanding  
5 and implementing new diversion programs in your community.

6 So I want to let you know that our staff is very  
7 experienced and dedicated and skilled, and they will find  
8 programs that will work for you in your community. And  
9 they will find programs that will be cost-effective for  
10 you. And all that help is at no charge to you. So I  
11 think it is a very good idea to take their experience, the  
12 experience of our staff, and let them help you get to your  
13 goals. There is no -- this is not right now putting any  
14 fines or anything in place. This is just saying work with  
15 our staff to help you get to your goals.

16 MR. OCHOA: Mr. Chair, Ms. Peace, I just want to  
17 assure you that our relationship with Nikki and Tabetha  
18 has been great. They'll be able to tell you every time  
19 they come to Arvin, I meet with them hour, hour and a  
20 half. I dedicate my time, put everything aside because we  
21 take this issue seriously. And also because the Council  
22 has expressed to me they want me to take it seriously.

23 To add maybe a comment that the Mayor can expand  
24 on is we've even gone an extra step. Once we get into the  
25 sorting out of the recyclable material, the wax paper, the



1 cardboard and so forth, the Mayor has actually been in  
2 contact with an individual that came to our city and gave  
3 a tour of different facilities that might be available  
4 where they want to do those logs where they use a lot of  
5 these recyclable materials.

6           So we want to go a step further to maybe bring  
7 industry that will be able to use a lot of the recyclable  
8 materials that we have. So we're looking at the bigger  
9 picture and trying to get it all together. I think, as  
10 you can see, and I think you're getting the feeling of  
11 what we wanted to express to you, is that it's a new -- we  
12 have new elected officials who are ultra dedicated. These  
13 people spend 40 hours a week -- sometimes, you know, they  
14 are alongside. We're working together on just about  
15 everything. We have opened up budgets. We have opened up  
16 the whole process so we get true resident participation.

17           Prior -- our City Council meetings are -- now  
18 they're full. They're active. They're televised by the  
19 local media because they find that we are doing something  
20 there. And all of that to tell you that we are interested  
21 in making sure that things happen. And we're going to  
22 make things happen one way or the other. If it's  
23 necessary for us to work with your staff, we will  
24 wholeheartedly work with your staff. All we wanted to do  
25 was try to get an opportunity to work and finish this

1 process that we have started. And then if necessary, come  
2 back and say, "Hey, you know, we really need your help."  
3 In either case, we're going to be working with your staff,  
4 I assure you that.

5 CHAIRPERSON JONES: Okay. Thanks. Anybody else  
6 from the city staff? Okay.

7 Mr. Ray Scott from Mountainside Disposal.

8 MR. SCOTT: Yes. Good afternoon, Mr. Chairman,  
9 Board. I just wanted to clarify a few issues that were  
10 brought up by the city staff. The current rate for a  
11 citizen of Arvin is \$14.04 per month.

12 CHAIRPERSON JONES: 14.04?

13 MR. SCOTT: 14.04. Out of that, the city  
14 receives \$9300 a month as far as an operational fee. And  
15 that operational fee continues to increase each year by  
16 the cost of living, which is part of the contract. That's  
17 an agreed upon thing between the hauler and the city.

18 As the information that I had sent you, sir, in  
19 regards to the blue barrel -- residential blue barrel  
20 project, range from \$1.52, which is a one-month pickup, up  
21 to 3.78. It gave them a number of options to choose from.  
22 Also in that same letter we also have a commercial  
23 project, which once again, gave them options of what to  
24 do.

25 But to put things in a bottom line format, it's

1 Mountainside's position that if the ADR, the 1066, was  
2 allowed to be implemented, which was approved by Steve  
3 Ortega, Arvin's community service director on May 30th,  
4 that the city would meet the California Integrated Waste  
5 Board's criteria of a good faith and would be in good  
6 standing with the state mandates associated with that.  
7 Meaning that if the city would have implemented every  
8 element of the 1066 and put forth the effort, yes, the  
9 numbers may not have been where they were allocated, but  
10 you would have seen that each element was active. Each  
11 element was being implemented.

12           The city officials have been apprised of state  
13 mandates since the inception of the contract.  
14 Mountainside's letter dated 3-28-2000 in regards to the  
15 1998 annual report to the California Integrated Waste  
16 Management Board, we have on a number of occasions talked  
17 with city staff to advise them of where their standing was  
18 with the state. And that was the whole emphasis behind  
19 that letter and the ADR, to inform the city of what their  
20 standings were and what the repercussions of those, if we  
21 were able to meet those. So there was open dialogue.

22           There was times that we went in front of the City  
23 Council and proposed this same blue barrel project about a  
24 year prior. We've done also a commercial pilot program in  
25 the year 2001, which Mr. Ippolito alluded to where at that

1 time in the two-week period we showed 1 1/2 percent  
2 diversion rate from the commercials alone.

3 Since the release of Steve Ortega, the city  
4 officials of Arvin have not attempted to fully commit to a  
5 good faith effort that was presented to the California  
6 Waste Management Board. Meaning that the items that were  
7 on the 1066 were out of Mountainside's control as far as  
8 saying if you have a C&D ordinance, it's the city's  
9 responsibility to follow up on the ordinance, not the  
10 hauler.

11 An example such as the city of Arvin's council  
12 appointed an Ad Hoc committee meeting to review the  
13 recycling program at the City Council meeting of  
14 2-18-03 -- on two occasions the Ad Hoc Committee meeting  
15 met, March 25th, '03, and April 30th. The city attorney,  
16 manager at that time, Arnold Beltrian, would not allow  
17 Mountainside to present any recycling information.

18 CHAIRPERSON JONES: That's another city manager?

19 MR. SCOTT: Yes.

20 CHAIRPERSON JONES: Prior to you?

21 MR. SCOTT: Correct. At the time Mr. Beltrian  
22 was filling both positions, the city attorney and the city  
23 manager. And at that time, he would not allow us to talk  
24 to the two Council members that were appointed to that Ad  
25 Hoc Committee meeting.

1 COMMITTEE MEMBER WASHINGTON: You said that he  
2 was the city attorney and city manager?

3 MR. SCOTT: At the time.

4 COMMITTEE MEMBER WASHINGTON: Isn't that a  
5 conflict?

6 CHAIRPERSON JONES: No wonder they're all in  
7 jail.

8 COMMITTEE MEMBER WASHINGTON: Wow. That's all  
9 right. Go ahead.

10 CHAIRPERSON JONES: So you guys tried to get in  
11 front, and they wouldn't allow to you talk back then?

12 MR. SCOTT: Correct. At the time they were using  
13 those committee meetings as a way to talk about other  
14 issues not related to recycling.

15 CHAIRPERSON JONES: Okay. Hold on one second. I  
16 don't want to put anybody on the spot. Let me figure out  
17 a smart way to ask this question. I'll ask the city  
18 attorney.

19 As far as you know, those committee meetings --  
20 were there some existing City Council members and maybe  
21 some old City Council members that sat on those meetings  
22 that weren't allowed to hear these discussions?

23 MR. ST. JOHN: Those would have been prior to me  
24 coming in.

25 CHAIRPERSON JONES: I understand. I'm trying to

1 do this nicely.

2 MR. ST. JOHN: I think -- I hadn't heard of that.

3 But I believe Ms. Asevado would have been present at those  
4 times and maybe could speak to that.

5 CHAIRPERSON JONES: I tried.

6 MS. ASEVADO: Thank you, Mr. Chair. No, I was  
7 not a member of the committee -- of those committees. I  
8 do know that Mr. Ippolito sat on the -- when the committee  
9 would meet. And I do know that the other two council  
10 members were present at every meeting that was --  
11 scheduled meeting took place at City Hall. And at Council  
12 meetings, the rest of the Council was briefed on what  
13 happened at the Ad Hoc Committee.

14 CHAIRPERSON JONES: So were these guys precluded  
15 from talking about recycling programs, Mr. Ippolito?

16 MR. IPPOLITO: I wasn't involved in those  
17 meetings, sir.

18 CHAIRPERSON JONES: I believe you. I have no  
19 reason not to believe anybody in this room. But there's  
20 huge gaps between what this group knows because of their  
21 newness and your history because of you being the  
22 provider. So all I'm trying to do is figure out what's  
23 what without embarrassing anybody and doing the he  
24 said/she said. So I tried and it didn't work. Keep  
25 going.

1 MR. SCOTT: Yes, sir.

2 CHAIRPERSON JONES: We're going to wrap this up  
3 pretty quick. So let's go.

4 MR. SCOTT: In our opinion, the situation at  
5 present in regards to not meeting the city's goal in SB  
6 1066, the ADR 45 percent, isn't due to the lack of actions  
7 upon the City Council. It's in not acting when we brought  
8 forth programs and information, that it was not acted upon  
9 it. We're asking -- at least Mountainside is requesting  
10 from the Board a -- how do you want to say --  
11 determination of if the city of Arvin is placed on a  
12 Compliance Order, that it releases Mountainside Disposal  
13 of any responsibilities of that 1066.

14 CHAIRPERSON JONES: I don't think that's our -- I  
15 mean, we don't have a standing, that I would think that we  
16 would have. We have no standing in that.

17 MR. SCOTT: Or that if the city of Arvin would  
18 have enacted every element of their 1066, would they have  
19 been in the classification of a good faith effort and in  
20 good standing with the state?

21 CHAIRPERSON JONES: Sure they would have. If you  
22 put forward an ADR and you put forward programs and if the  
23 city says, "Here, go do these programs," and they fund it,  
24 and you do the programs, in all likelihood you're going to  
25 be in compliance.

1           The number doesn't mean anything. You know, the  
2 45 percent to 50 percent to 20 percent doesn't mean  
3 anything. It's an indicator of the programs. You guys  
4 don't have any programs. You've got zip. I don't care if  
5 your number shows 42 percent right now. You've got no  
6 programs.

7           So, you know, I mean, your question is  
8 theoretical. It says if the city would have agreed to  
9 fund all the programs that you had offered in the ADR, you  
10 and whoever this other guy, Ochoa, the community director  
11 guy --

12           MR. OCHOA: Ortega.

13           CHAIRPERSON JONES: Ortega. Sorry. I apologize.

14           You're saying if they had done it, sure. And  
15 then even if you didn't, you come forward and you say,  
16 "Look, we've made this much progress. We've done this  
17 many programs. We're doing our job. People are getting  
18 involved. They understand. We're getting forward. We  
19 need another two-year extension," which you can get under  
20 SB 1066. That didn't happen here. Nothing happened.  
21 That's an entirely different set of circumstances.

22           So I mean, we can't get involved in the legal.  
23 But I mean, it's pretty clear. There's not -- I mean, you  
24 can prove that case yourself. But if you don't get funded  
25 to do a program, how the hell are you going to do a



1 program?

2 You know, I never did this for the experience.

3 Okay. Never. I did it and got paid to do it. I never  
4 did it for the experience. All right.

5 Keep going. Are you done?

6 MR. SCOTT: Yes, sir.

7 CHAIRPERSON JONES: Thank you, sir.

8 Anybody else?

9 MR. IPPOLITO: Mr. Jones, one more thing.

10 CHAIRPERSON JONES: Go ahead.

11 MR. IPPOLITO: Based on your staff's report, it  
12 showed that the commercial program was not being  
13 implemented. We had never stopped it.

14 Based on your staff's report, the only thing that  
15 we ever got involved in is we thought that we might want  
16 to change the curbside program in lieu of something that  
17 is either going to give us the same diversion or something  
18 greater, and staff agreed. But as far as us impeding the  
19 implementation of programs, the only program that was  
20 presented to us for approval and for the citizens to pay  
21 was the curbside recycling program.

22 CHAIRPERSON JONES: How do you know that? We  
23 just heard testimony that they tried to bring things  
24 forward and they weren't allowed to. I asked who was at  
25 the meetings? They said you. You said you don't know.

1 MR. IPPOLITO: Well, those are recent Ad Hoc  
2 Committee meetings. They just happened this year. So  
3 prior to this year, I'm relying on city records. And I  
4 have nothing from Price to show me anything different.

5 I know this has nothing to do with your -- how  
6 you're going to vote and everything like that. I just  
7 kind of wanted you to know the truth.

8 The other truth is that the \$14.04 a month does  
9 not include a disposal fee. That gets tacked on by the  
10 county separate. The most interesting county I've ever  
11 been involved in. I had a lot of experience in L.A.  
12 County --

13 CHAIRPERSON JONES: Who pays the rate, the  
14 citizens or tax rolls pay the rate? Do you guys pay it  
15 out of property taxes?

16 MR. IPPOLITO: Both are put on the tax rule, one  
17 by the city for the hauler, the \$14.04, and the other \$67  
18 a year gets paid to the county by the resident, the same  
19 resident.

20 COMMITTEE MEMBER WASHINGTON: Double tax.

21 MR. IPPOLITO: It's up \$240 a year.

22 CHAIRPERSON JONES: For service, that's not bad.

23 MR. IPPOLITO: I'm just telling you the \$14.04 is  
24 100 percent going to Price. The other disposal component  
25 is not included in the \$14. Price doesn't pay that. That

1 gets paid by the citizen to the county.

2 CHAIRPERSON JONES: But the \$6.00 that goes to  
3 the county, is that -- that's predicated on tonnage?

4 MR. IPPOLITO: No. That's -- it's a set fee.  
5 And it just recently went up.

6 CHAIRPERSON JONES: Six dollars per household is  
7 the dump fee. So the more recycling you do where you have  
8 less waste going to the thing --

9 MR. IPPOLITO: Unfortunately, that's not the  
10 case.

11 CHAIRPERSON JONES: Who set that program up?

12 MR. IPPOLITO: The county did.

13 CHAIRPERSON JONES: Interesting. What county is  
14 this?

15 MR. IPPOLITO: Kern County. It's funny because I  
16 did a little research. Basically they're saying that  
17 based on \$29 a ton, there's two tons for every household.  
18 We have 1.3, and other cities have less. But they still  
19 get that two tons a year.

20 CHAIRPERSON JONES: What about the commercial?  
21 Who pays the tip fee on that?

22 MR. IPPOLITO: The commercial is based on a tip  
23 fee that has been changed to a cubic yardage rate. So \$29  
24 a ton was changed to \$2 a cubic yard. Do your math. It's  
25 about 40 bucks. But that's the county's deal. So you

1 know --

2 CHAIRPERSON JONES: And the tax rolls pay that  
3 too?

4 MR. IPPOLITO: No. It gets paid to the hauler,  
5 and the hauler pays it to the county.

6 CHAIRPERSON JONES: Okay. So they charge the  
7 commercial?

8 MR. IPPOLITO: Yeah. It's kind of fascinating.

9 CHAIRPERSON JONES: I understand what you're  
10 trying to say. I don't see it exactly the same way where  
11 it's only one program at stake here. I don't see that.

12 I mean, part of this stuff I got from  
13 Mountainside said they took their stuff to  
14 translations.com. I don't know what the hell that is, but  
15 everything is -- I know that everything is on the dot com.  
16 And then they run it through their employees who were  
17 Spanish-speaking to see if it was reasonable. It probably  
18 doesn't meet a standard that you would expect. But having  
19 done bilingual for over 30 years, we used to use one of  
20 our partner's wives to make sure it was right. And then  
21 depending upon -- she was Argentinean. She spoke  
22 beautiful fluent Spanish. But we had a lot of our  
23 employees, especially drivers, that were mad because they  
24 couldn't understand some of it.

25 So they did put something together, which was

1 part of it. It just didn't meet a standard. But it seems  
2 to me like there's no communication through any of this  
3 stuff, which is unfortunate because -- I mean, I'm hearing  
4 some things that I don't want to even know about. Some  
5 time lines that I'm hearing thrown out that make no sense  
6 to me. I mean, I don't know and I don't care. I mean,  
7 that's not my business, you know. Your relationship with  
8 your hauler is not my business. My problem is trying to  
9 treat all these things fairly and my fellow members, and  
10 we try to do that pretty well.

11 For me, I think we have to do a Compliance Order.  
12 And I think we have to because I don't see this getting  
13 done without a Compliance Order because it didn't get done  
14 the last time. And I know our staff doesn't think it's  
15 going to get done. I haven't heard anything today -- I do  
16 appreciate the new government, and I appreciate that there  
17 is going to be a willingness to get stuff done.

18 You know, I've lived through an awful lot of  
19 different changes. And in dealing with cities and  
20 counties where I had the best relationship in the world  
21 with the city and ten minutes later I had the worst.  
22 Nothing changed in how we delivered service. But things  
23 change. You deal with it. You just do the job. You live  
24 by the contract. But I think we have to do the Compliance  
25 Order, personally.

1 Does anybody have different views?

2 Mr. Washington.

3 COMMITTEE MEMBER WASHINGTON: Yeah. I was just  
4 sitting here trying to figure out how to really move  
5 forward with this. In one sense, you know, the city  
6 sounds like a few of the cities that I represented, and  
7 that's the compelling piece for me. A city that had some  
8 goings on that wasn't appropriate in the city, and it was  
9 at the highest level of city, which is very unfortunate.  
10 And the new Council it sounds -- how many new members are  
11 there?

12 MAYOR OLIVARES: All five.

13 COMMITTEE MEMBER WASHINGTON: That's encouraging  
14 to hear that the Council is in place.

15 If you remember in the beginning I opened up with  
16 the statement about the recall effort and things of that  
17 nature. That's a growing factor any time you have local  
18 governments coming before this Board saying, "We're the  
19 new kids on the block. We're going to make a difference."

20 And to be honest with you, I'm caught between --  
21 I'm caught between two opinions in this issue. And the  
22 Chair has adequately stated that in one sense we can't --  
23 do we buy the argument that you guys are going to go out  
24 and do what you're supposed to do? We have no reason not  
25 to. But at the same time with a Compliance Order in

1 place, that gives us some type of tool or mechanism to  
2 believe that it will get done, or otherwise.

3           It's just a tough situation. It really is. It's  
4 a tough situation. And the politics unfortunately have  
5 really played -- sounds like to me, played a critical part  
6 in this whole movement. And both the hauler and its new  
7 Council is in the situation, is -- his history is that we  
8 did go before the Council. Might not have been before  
9 this new Council, and we went before the Council and the  
10 city manager to getting things done and nothing was ever  
11 acted upon. And then you guys come in and say, "Well, we  
12 blame the hauler because he didn't act on any of these  
13 things in terms of the programs." So it's an ugly  
14 situation.

15           And in the next few minutes, we're going to have  
16 to make a decision on this. I don't know, Mr. Chair, I'm  
17 prepared -- I'm of the belief that we probably should send  
18 this for the Board. I mean, this is a tough one for me.  
19 And if I take any direction, it would certainly be  
20 direction of our Chair who has the history of this. And  
21 sitting here hearing this for the last hour or so that --  
22 you know, I'm prepared to vote to send it to Compliance,  
23 with the notion that you guys won't be -- as Ms. Peace  
24 said, that you have an opportunity to fix this situation  
25 and that you will rely on our staff who really do have the

1 expertise in this area.

2 And at the same time, you know, it's just one of  
3 those tough situations, being a former politician, to put  
4 that on you like that. But at the same time, we're  
5 responsible for implementing a diversion of 50 percent of  
6 your waste from your local cities, and that's not being  
7 met.

8 So I don't know, Mr. Chair. I'll take the  
9 direction of my colleagues on this one in terms of if you  
10 want to send it to the full Board or if you want to send  
11 it out as a Committee vote. After Ms. Peace says her  
12 piece, if she has anything to say. I'm prepared to do  
13 either or because I just think it's a terrible, terrible  
14 situation that the city has found itself in.

15 And I do commend all of you for the work that  
16 you're doing to move forward. And perhaps at some point  
17 I'll make an effort to come out and visit your city to  
18 show that we really do care about this issue and to try to  
19 help you guys get to where you need to be on this. I  
20 really respect the attitude that you've come to this Board  
21 with, that we didn't want you to start out blaming, but  
22 how do we fix this situation? So I appreciate that.

23 CHAIRPERSON JONES: Well said.

24 Ms. Peace.

25 COMMITTEE MEMBER PEACE: I just want to thank you



1 all for coming up here today. From hearing you, I know  
2 you're all very dedicated to making this work, to making  
3 things better in your community.

4 But I really think putting you on a Compliance  
5 Order is going to help you. It's going to help you work  
6 with our staff, with your hauler, get it all together.  
7 Don't really look at this as a bad thing. Look at it as  
8 an opportunity to get some free help and put this all  
9 together. And I think it can work.

10 And hopefully we'll never have to impose any  
11 penalties or go any further than that. I think we have a  
12 very dedicated, experienced staff that can look at what  
13 you have and make recommendations and hopefully make it a  
14 lot easier for you. Make your jobs a lot easier.

15 CHAIRPERSON JONES: I would agree, Ms. Peace.

16 That being said, we have put Mr. Washington in a  
17 tough position. But I'm going to go ahead and move that  
18 we put them on Compliance, to work with the staff.

19 And then I want to Move adoption of Resolution  
20 2003-517, consideration of failure to meet SB 1066  
21 alternative diversion requirement goal achievement plan,  
22 consideration of the amended requirement application,  
23 consideration of the biannual review funding for the SRRE,  
24 and consideration of issuance of a Compliance Order for  
25 the city of Arvin, Kern County.

1 COMMITTEE MEMBER PEACE: I'll second that.

2 CHAIRPERSON JONES: Call the roll.

3 SECRETARY BAKULICH: Peace?

4 COMMITTEE MEMBER PEACE: Aye.

5 SECRETARY BAKULICH: Washington?

6 COMMITTEE MEMBER WASHINGTON: Aye.

7 SECRETARY BAKULICH: Jones?

8 CHAIRPERSON JONES: Aye.

9 Thank you.

10 We'll put this forward to the Board. Mr.  
11 Washington and Ms. Peace, we had great debate here. The  
12 city understands. This is not -- it's a precursor to a  
13 penalty, but it's not a precursor to a penalty if programs  
14 are done.

15 The Kings County was furious at us in '98 or '99  
16 when we put them on a Compliance Order because they had  
17 built a MRF. Their rate was terrible. And the manager  
18 came up and just was mad as all get out of me because I  
19 wanted to put them on a Compliance order. And he said,  
20 "But we built a MRF." And I said, "You built a MRF but  
21 nobody's coming into it. You need to get focused on  
22 programs."

23 We put him on Compliance. That MRF went from a  
24 drain on the community to a profitable operation because  
25 all the other jurisdictions understood that was the

1 facility in that particular case that could get the  
2 programs done. He ended up being a supporter. But it's  
3 an example of where Compliance Orders should be a  
4 catalyst. And also gives you as elected officials the  
5 opportunity to sit in front of your constituency and  
6 explain to them that the State of California Waste Board  
7 has just issued a Compliance Order and we have to do  
8 programs in a different way. But that sometimes isn't a  
9 bad thing. It lets you blame somebody that's not sitting  
10 in the room. But it's true. Because we want to see  
11 compliance. We don't want to fine you. We don't get any  
12 benefit.

13 COMMITTEE MEMBER PEACE: We just want to see a  
14 good faith effort. Let's just all work together.

15 CHAIRPERSON JONES: I want to ask this go on  
16 consent. And if any member wants to pull it, they can.  
17 And I'm doing that because -- not because I don't want to  
18 rehear the issue. I don't really care if the whole Board  
19 hears it. But it will save you the time and effort  
20 because you may end up coming up -- or you may want to  
21 pull it off consent, and you have that opportunity. But  
22 I'll leave it on consent until I hear otherwise so you  
23 don't to have waste another day, you know, for purposes --  
24 but you have every right in the world to ask to have it  
25 pulled to see if you can convince us differently. All

1 right. Is that reasonable?

2 MR. OCHOA: It wasn't a waste of our time,  
3 Mr. Chairman. I think, you know, it's a good experience.  
4 As the Mayor has mentioned, we've got the political  
5 support. We have the administration. We're going to move  
6 forward with this one way or the other. We're willing to  
7 work diligently with your staff. That's not really a  
8 problem.

9 We are going to push the linguistic and cultural  
10 issue a lot more because I'm telling you that it was  
11 inappropriate what they were doing. It was not adequate.  
12 And then we are also going to look at the financial issues  
13 because we've got 27 percentage unemployment, very low  
14 income agricultural population. So any kind of increase  
15 or any kind of fees that are unreasonable, we're going to  
16 look at it very closely. So I appreciate your time. It's  
17 not a waste of our time.

18 CHAIRPERSON JONES: I wasn't saying this was a  
19 waste of time. I was saying if we put it on consent, you  
20 don't have to waste dollars if you don't want to. I'm  
21 leaving it up to you. May have been a bad choice of  
22 words. But I'm trying to make it easier on you. All  
23 right. Thank you.

24 Schiavo, is that the last item?

25 DEPUTY DIRECTOR SCHIAVO: That's it.

1           CHAIRPERSON JONES: All right. This is the time  
2 for the public if somebody wants to speak on an item that  
3 is not on the agenda can come forward and say something.  
4 Not seeing anybody.

5           We don't have Committee meetings in January so  
6 for those of you if we don't see you, have a happy  
7 holiday. This is adjourned.

8           (Thereupon the California Integrated Waste  
9 Management Board, Sustainability and Market  
10 Development Committee adjourned at 12:42 p.m.)

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1 CERTIFICATE OF REPORTER

2 I, TIFFANY C. KRAFT, a Certified Shorthand  
3 Reporter of the State of California, and Registered  
4 Professional Reporter, do hereby certify:

5 That I am a disinterested person herein; that the  
6 foregoing hearing was reported in shorthand by me,  
7 Tiffany C. Kraft, a Certified Shorthand Reporter of the  
8 State of California, and thereafter transcribed into  
9 typewriting.

10 I further certify that I am not of counsel or  
11 attorney for any of the parties to said hearing nor in any  
12 way interested in the outcome of said hearing.

13 IN WITNESS WHEREOF, I have hereunto set my hand  
14 this 15th day of December, 2003.

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